A/65/53

United Nations

Report of the Human Rights Council

Twelfth session
(14 September-2 October 2009)

Thirteenth session
(1-26 March 2010)

Fourteenth session
(31 May-18 June 2010)

Thirteenth special session
(27 and 28 January 2010)

General Assembly
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Sixty-fifth Session
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The present volume contains the resolutions, decisions, and President's statements adopted by the Human Rights Council from 14 September 2009 to 18 June 2010, at its twelfth, thirteenth and fourteenth sessions, and at its thirteenth special session. The resolutions and decisions adopted by the Council from 19 June to 11 August 2006 at its first session and its first and second special sessions appear in the report of the Council to the General Assembly, issued as *Official Records, Sixty-first Session, Supplement No. 53* (A/61/53). The resolutions, decisions and president's statements adopted by the Council from 18 September 2006 to 22 June 2007, at its second, third, fourth and fifth sessions, at its first organizational meeting, and at its third and fourth special sessions appear in the report of the Council to the General Assembly, issued as *Official Records, Sixty-second Session, Supplement No. 53* (A/62/53). The resolutions, decisions and president's statements adopted by the Council from 10 September 2007 to 24 September 2008, at its sixth, seventh, eighth and ninth sessions, and at its fifth, sixth and seventh special sessions appear in the report of the Council to the General Assembly and its addendum, issued as *Official Records, Sixty-third Session, Supplement No. 53 and Supplement No. 53 A* (A/63/53 and Add.1). The resolutions, decisions and president's statements adopted by the Human Rights Council from 28 November 2008 to 18 June 2009, at its tenth and eleventh sessions, and at its eighth, ninth, tenth, eleventh, and twelfth special sessions appear in the report of the Council to the General Assembly, issued as *Official Records, Sixty-fourth Session, Supplement No. 53 and Supplement No. 53 A* (A/64/53 and Add. 1).

[25 October 2010]

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Introduction

1. The Council held its twelfth session from 14 September to 2 October 2009, its thirteenth session from 1 to 26 March 2010, and its fourteenth session from 31 May to 18 June 2010. The fourth organizational meeting was held on 21 June 2010, in accordance with rule 8 of its rules of procedure, as contained in the annex to Council resolution 5/1. The Council held its thirteenth special session from 27 to 28 January 2010.

2. The reports of the Council on each of the above-mentioned sessions have been issued in documents A/HRC/12/50, A/HRC/13/56,[1] A/HRC/14/37[1] and A/HRC/S-13/2.

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[1] The final report of the session has not been finalized.

Resolutions and decisions adopted by the Human Rights Council at its twelfth, thirteenth and fourteenth sessions and at its thirteenth special session, and the President's statement adopted by the Council at its thirteenth session

I. Twelfth session

A. Resolutions

12/1. Open-ended intergovernmental working group on the review of the work and functioning of the Human Rights Council

The Human Rights Council,

Recalling the Charter of the United Nations,

Recalling also the relevant provisions of the 2005 World Summit Outcome, in which the General Assembly underlined its resolve to strengthen the human rights mechanisms and institutions of the United Nations,

Recalling further General Assembly resolution 60/251 of 15 March 2006, in particular paragraph 16, in which the Assembly decided that the Council should review its work and functioning five years after its establishment and report back to the Assembly,

Recalling Council resolutions 5/1 and 5/2 of 18 June 2007, as well as General Assembly resolution 62/219 of 22 December 2007, including the annexes and appendices thereto,

1. *Decides* to establish an open-ended intergovernmental working group with the mandate to review the work and functioning of the Council;

2. *Also decides* that the working group will hold two sessions for five working days each, in Geneva, after its fourteenth session;

3. *Requests* the President of the Council to chair the working group;

4. *Also requests* the President to undertake transparent and all-inclusive consultations prior to working group sessions on the modalities of the review, and to keep the Council informed thereof;

5. *Requests* the Secretary-General to present a report to the Council at its fifteenth session on how to improve conference and secretariat services for the Council;

6. *Requests* the working group to report to the Council at its seventeenth session on the progress achieved in the implementation of the present resolution;

7. *Requests* the Secretary-General to provide the working group with all the necessary resources and facilities in order for it to carry out its mandate.

30th meeting
1 October 2009

[Adopted without a vote.]

12/2. Cooperation with the United Nations, its representatives and mechanisms in the field of human rights

The Human Rights Council,

Expressing its concern at the continued reports of intimidation and reprisals against individuals and groups who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights,

Deeply concerned at the seriousness of reported reprisals and the fact that victims suffer violations of their human rights, including the rights to life, liberty and security of the person, as well as the right to freedom from torture and cruel, inhuman or degrading treatment,

Deeply concerned also at reports of incidents in which individuals have been hampered in their efforts to avail themselves of procedures established under the auspices of the United Nations for the protection of human rights and fundamental freedoms,

Recalling all relevant Commission on Human Rights resolutions, the most recent being resolution 2005/9 of 14 April 2005,

Recalling Council decision 2/102 of 6 October 2006,

Welcoming the reports of the Secretary-General on this question (E/CN.4/2006/30, A/HRC/4/58, A/HRC/7/45 and A/HRC/10/36),

1. *Urges* Governments to prevent and refrain from all acts of intimidation or reprisal against those who:

(*a*) Seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights, or who have provided testimony or information to them;

(*b*) Avail or have availed themselves of procedures established under the auspices of the United Nations for the protection of human rights and fundamental freedoms, and all those who have provided legal or other assistance to them for this purpose;

(*c*) Submit or have submitted communications under procedures established by human rights instruments, and all those who have provided legal or other assistance to them for this purpose;

(*d*) Are relatives of victims of human rights violations or of those who have provided legal or other assistance to victims;

2. *Condemns* all acts of intimidation or reprisal by Governments and non-State actors against individuals and groups who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights;

3. *Calls upon* States to ensure adequate protection from intimidation or reprisals for individuals and members of groups who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights, and reaffirms

the duty of all States to end impunity for such actions by bringing the perpetrators, including accomplices, to justice in accordance with international standards and by providing an effective remedy for their victims;

4. *Welcomes* the efforts made by States to investigate allegations of intimidation or reprisals and to bring perpetrators to justice, and encourages Governments to support such efforts;

5. *Requests* all representatives and mechanisms of the United Nations in the field of human rights to continue to take urgent steps, in conformity with their mandates, to help prevent the occurrence of such intimidation and reprisals and the hampering of access to the United Nations, its representatives and mechanisms in any way;

6. *Also requests* all representatives and mechanisms of the United Nations to continue to include in their respective reports to the Council or the General Assembly references to credible allegations of intimidation or reprisal and of hampering of access to the United Nations, its representatives and mechanisms in the field of human rights, as well as an account of action taken by them in this regard;

7. *Requests* the Secretary-General to draw the attention of such representatives and mechanisms to the present resolution;

8. *Invites* the Secretary-General to submit a report to the Council at its fourteenth session and annually thereafter, in accordance with its programme of work, containing a compilation and analysis of any available information, from all appropriate sources, on alleged reprisals against the persons referred to in paragraph 1 above, as well as recommendations on how to address the issues of intimidation and reprisals.

30th meeting
1 October 2009

[Adopted without a vote.]

12/3. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

The Human Rights Council,

Guided by articles 7, 8, 9, 10 and 11 of the Universal Declaration of Human Rights and articles 2, 4, 9, 14 and 26 of the International Covenant on Civil and Political Rights, and bearing in mind the Vienna Declaration and Programme of Action,

Recalling the Basic Principles on the Independence of the Judiciary, the Basic Principles on the Role of Lawyers, the Guidelines on the Role of Prosecutors and the Bangalore Principles of Judicial Conduct, *Convinced* that an independent and impartial judiciary, an independent legal profession and the integrity of the judicial system are essential prerequisites for the protection of human rights and the application of the rule of law and for ensuring a fair trial and that there is no discrimination in the administration of justice,

Recalling all previous resolutions and decisions of the Commission on Human Rights, the Council and the General Assembly on the independence and impartiality of the judiciary and on the integrity of the judicial system,

Acknowledging the importance of the ability of the Special Rapporteur on the independence of judges and lawyers to cooperate closely, within the framework of his or her mandate, with the Office of the United Nations High Commissioner for Human Rights in the fields of advisory services and technical cooperation, in an effort to guarantee the independence of judges and lawyers,

Recognizing the importance of bar associations, professional associations of judges and non-governmental organizations in the defence of the principles of the independence of judges and lawyers,

Noting with concern the increasingly frequent attacks on the independence of judges, lawyers and court officials,

Reaffirming also Council resolution 8/6 of 18 June 2008 on the mandate of the Special Rapporteur on the independence of judges and lawyers,

1. *Notes with appreciation* the report of the Special Rapporteur on the independence of judges and lawyers (A/HRC/11/41), including on the main recent developments in the area of international justice, and invites all Governments to consider seriously the conclusions and recommendations expressed therein;

2. *Commends* the previous Special Rapporteur for the important work undertaken in the discharge of his mandate;

3 *Notes with interest* the analysis of individual and institutional parameters elaborated by the previous Special Rapporteur in his report for effectively guaranteeing the independence of the judiciary;

4. *Requests* the current Special Rapporteur to elaborate safeguards to ensure and strengthen the independence of lawyers, including public defenders where appropriate, as a guarantee in the protection of human rights and the rule of law;

5. *Encourages* States to promote diversity in the composition of the members of the judiciary and to ensure that the requirements for joining the judiciary and the selection process thereof are non-discriminatory;

6. *Calls upon* all Governments to respect and uphold the independence of judges and lawyers and, to that end, to take effective legislative, law enforcement and other appropriate measures that will enable them to carry out their professional duties without harassment or intimidation of any kind;

7. *Urges* all Governments to cooperate with and assist the Special Rapporteur in the performance of her tasks, to provide all information and to respond to communications transmitted to them by the Special Rapporteur without undue delay;

8. *Calls upon* Governments to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries, and urges States to enter into a constructive dialogue with the Special Rapporteur with respect to the follow-up to and implementation of her recommendations so as to enable her to fulfil her mandate even more effectively;

9. *Encourages* Governments that face difficulties in guaranteeing the independence of judges and lawyers, or that are determined to take measures to implement this principle further, to consult and to consider the services of the Special Rapporteur, for instance by inviting her to their country if the Government concerned deems it necessary;

10. *Decides* to continue consideration of this issue in accordance with its annual programme of work.

30th meeting
1 October 2009

[Adopted without a vote.]

12/4. World Programme for Human Rights Education

The Human Rights Council,

Reaffirming the fact that States are duty-bound, as stipulated in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights and in other international human rights instruments, to ensure that education is aimed at strengthening the respect of human rights and fundamental freedoms,

Recalling General Assembly resolutions 43/128 of 8 December 1988, by which the Assembly launched the World Public Information Campaign on Human Rights, 59/113 A of 10 December 2004, 59/113 B of 14 July 2005 and 60/251 of 15 March 2006, in which the Assembly decided, inter alia, that the Council should promote human rights education and learning, and Commission on Human Rights resolution 2005/61 of 20 April 2005 and Subcommission for the Promotion and Protection of Human Rights resolution 2006/19 of 24 August 2006, on the World Programme for Human Rights Education, structured in consecutive phases,

Recalling also Council resolutions 6/9 of 28 September 2007 on the development of public information activities in the field of human rights, 6/24 of 28 September 2007, in which the Council extended to December 2009 the first phase of the World Programme focusing on primary and secondary school systems, 9/12 of 24 September 2008, in which the Council established among the human rights voluntary goals the adoption and implementation of programmes of human rights education in all learning institutions, and 10/3 of 25 March 2009, on consultation on the focus of the second phase of the World Programme,

Recalling further that the World Programme is structured on an ongoing series of consecutive phases, intended as a comprehensive process, including formal and informal education and training, and that Member States should continue the implementation of human rights education in primary and secondary school systems, while taking the necessary measures to implement the World Programme according to its new focus,

1. *Takes note* of the report of the United Nations High Commissioner for Human Rights on the consultation on the focus of the second phase of the World Programme for Human Rights Education (A/HRC/12/36);

2. *Decides* to focus the second phase of the World Programme on human rights education for higher education and on human rights training programmes for teachers and educators, civil servants, law enforcement officials and military personnel at all levels;

3. *Encourages* States that have not yet taken steps to incorporate human rights education in the primary and secondary school system to do so, in accordance with the Plan of Action of the first phase of the World Programme;

4. *Requests* the Office of the United Nations High Commissioner for Human Rights to prepare, within existing resources, in cooperation with relevant intergovernmental organizations, in particular the United Nations Educational, Scientific and Cultural Organization (UNESCO) and non-governmental actors, consult States on and submit for consideration to the fifteenth session of the Human Rights Council (September 2010), a plan of action for the second phase of the World Programme (2010-2014), keeping in mind that it shall be properly structured, formulated in realistic terms, with an indication of at least minimum action, and including provisions to support activities undertaken by all actors;

5. *Recommends* that the Secretary-General ensure that an adequate component of United Nations assistance, to be provided at the request of Member States to develop their national systems of promotion and protection of human rights, is available to support human rights education;

6. *Reminds* Member States of the need to prepare and submit their national evaluation reports on the first phase of the World Programme to the United Nations Inter-Agency Coordinating Committee on Human Rights Education in the School System by early 2010;

7. *Requests* the Coordinating Committee to submit a final evaluation report of the implementation of the first phase of the World Programme, based on national evaluation reports, in cooperation with relevant international, regional and non-governmental organizations, to the General Assembly at its sixty-fifth session;

8. *Decides* to consider this issue at its fifteenth session under the same agenda item.

30th meeting
1 October 2009

[Adopted without a vote.]

12/5. Protection of the human rights of civilians in armed conflict

The Human Rights Council,

Recalling its resolution 9/9 of 24 September 2008 on the protection of the human rights of civilians in armed conflict,

Taking note with appreciation of the report of the Office of the United Nations High Commissioner for Human Rights on the outcome of the expert consultation on the protection of the human rights of civilians in armed conflict (A/HRC/11/31),

1. *Invites* the Office of the United Nations High Commissioner for Human Rights to convene, within the parameters set forth in paragraph 8 of Council resolution 9/9, a second expert consultation on the issue of protecting the human rights of civilians in armed conflict, with a view to enabling the completion of the consultations on this issue, and requests the Office of the High Commissioner to prepare a report on the outcome of the consultation, in the form of a summary of discussions, prior to its fourteenth session;

2. *Decides* to continue the consideration of this question at its fourteenth session in conformity with the provisions of resolution 9/9.

30th meeting
1 October 2009

[Adopted without a vote.]

12/6. Human rights of migrants: migration and the human rights of the child

The Human Rights Council,

Reaffirming the Universal Declaration of Human Rights, which proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, such as to race, colour or national origin, that everyone has a right to a nationality and that childhood is entitled to special care and assistance,

Recalling the Convention on the Rights of the Child, according to which in all actions concerning children, the best interests of the child should be a primary consideration,

Recalling also the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Recalling further the Convention relating to the Status of Refugees of 1951 and the Protocol thereto of 1967,

Recalling the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Convention No. 182) and recommendation 190 on the Worst Forms of Child Labour of the International Labour Organization, and their implementation framework, and recognizing that migrant children, especially unaccompanied children, are more vulnerable to the worst forms of child labour,

Recalling previous resolutions on the human rights of migrants and on the rights of the child adopted by the Commission on Human Rights, the Council and the General Assembly, the most recent being Council resolutions 7/29 of 28 March 2008, 9/5 of 24 September 2008 and 10/14 of 26 March 2009, and Assembly resolutions 63/184 of 18 December 2008 and 63/241 of 24 December 2008,

Noting with appreciation its accomplishment of the Guidelines for the Alternative Care of Children, transmitted to the General Assembly, according to which States should seek to provide appropriate care and protection for vulnerable children, including children of migrant workers, as part of efforts to prevent separation of children from their parents,

Taking note of general comment No. 6 of the Committee on the Rights of the Child on the treatment of unaccompanied and separated children,

Noting with appreciation the report of the Special Rapporteur on the human rights of migrants (A/HRC/11/7), in which he addresses the protection of children in the context of migration,

Underlining the importance of the Council in promoting respect for the protection of the human rights and fundamental freedoms of all, including migrants,

Recognizing the increasing participation of children in international migration movements and stressing the need to ensure the protection of children from all forms of abuse, neglect, exploitation and violence,

Deeply concerned about the large and growing number of migrants, especially children, attempting to cross international borders without the required travel documents, and recognizing the obligation of States to respect the human rights of all migrants,

Bearing in mind that policies and initiatives on the issue of migration, including those that refer to the orderly management of migration, should promote holistic approaches that take into account the causes and consequences and challenges and opportunities of the phenomenon and full respect for the human rights and fundamental freedoms of migrants, with due regard for the specific needs of children in vulnerable situations, such as unaccompanied children, girls, children with disabilities and those who may be in need of international refugee protection,

1. *Calls upon* States to promote and protect effectively the human rights and fundamental freedoms of all migrants, especially those of children, regardless of their status, in conformity with the Universal Declaration of Human Rights and the international instruments to which they are party, and therefore:

(*a*) Underlines that the international legal framework for the protection of the child applies irrespective of his/her migration status and that of his/her parents or family members, and calls upon States to respect and ensure the protection of the human rights of every child within their jurisdiction, without discrimination of any kind;

(*b*) Calls upon States to establish or strengthen policies and programmes aimed at addressing the situation of children in the context of migration that have a human rights-based approach and are based on general principles, such as the best interests of the child, non-discrimination, participation and survival and development;

(*c*) Also calls upon States that have not signed and ratified or acceded to the Convention on the Rights of the Child and the Optional Protocols thereto, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families to consider doing so as a matter of priority;

2. *Also calls upon* States of origin to take appropriate measures to promote and protect effectively the rights of children who are left behind in their country of origin by migrating family members, including by:

(*a*) Development of data on the situation of children left behind in countries of origin in order to better understand the impact of migration processes on their well-being and enjoyment of their human rights;

(*b*) Undertaking, in cooperation with relevant organizations, information campaigns with a child perspective aimed at clarifying prospects, limitations, potential risks and rights in the event of migration, in order to enable everyone, in particular children and their family members, to make informed decisions and to prevent them from becoming victims of trafficking or falling prey to transnational organized networks of smugglers or organized criminal groups;

(*c*) Strengthening relevant national institutions to address the particular needs of children left behind in their country of origin;

3. *Further calls upon* States to protect the human rights of children in the context of migration, and therefore:

(*a*) Calls upon States parties to the United Nations Convention against Transnational Organized Crime and the supplementing protocols thereto, namely, the Protocol against the Smuggling of Migrants by Land, Sea and Air and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, to implement them fully, and calls upon States that have not yet ratified or acceded to them to consider doing so as a matter of priority;

(*b*) Encourages States to establish institutionalized services and implement programmes to provide age- and gender-sensitive support and protection to migrant children, with due regard for the specific needs of children in vulnerable situations, such as unaccompanied children, girls, children with disabilities and those who may be in need of international refugee protection;

(*c*) Requests all States to take concrete measures to prevent the violation of the human rights of migrant children while in transit, and to train public officials to detect and treat them respectfully, in a sensitive and age-appropriate manner and in accordance with their international obligations;

(*d*) Calls upon States to ensure that migrant children, especially those who are unaccompanied and those who are victims of violence, exploitation, persecution and conflict, receive special protection and assistance, in accordance with their international obligations;

(*e*) Encourages all States to apply a gender perspective when developing migration policies and programmes in order to take the necessary measures to better protect girls against dangers and abuse during migration;

(*f*) Urges States to ensure that repatriation mechanisms allow for the identification and special protection of children, and that repatriation processes fully respect the rights of the child and take into account, in conformity with their international obligations and commitments, the principles of the best interests of the child and non-refoulement, and family reunification;

4. *Reaffirms* that the arrest, imprisonment or detention of a child should be in conformity with the law and the international obligations of the State, and recalls in this context article 37 of the Convention on the Rights of the Child, which provides that such measures should be taken only as a last resort and for the shortest appropriate period of time, and urges States to protect effectively the rights of children affected by the detention of their parents, guardians or family members because of their migratory status and, in this regard:

(*a*) Encourages States to consider positively alternatives to detention for children and the family group, when children or their parents are detained on the sole basis of their migratory status, recalling in this context the conclusions and recommendations of human rights mechanisms that the treatment of irregular migration of children as a criminal offence can have a negative impact on the enjoyment of their human rights, and taking into account the necessary balance between the need to protect family unity and the best interests of the child;

(*b*) Reaffirms emphatically the duty of States parties to ensure full respect for and observance of the Vienna Convention on Consular Relations, in particular with regard to the right of all foreign nationals, regardless of their immigration status, to communicate with a consular official of the sending State in the event of arrest, imprisonment, custody or detention, and the obligation of the receiving State to inform the foreign national without delay of his or her rights under the Convention;

5. *Calls upon* States of destination to protect effectively the human rights of children in the context of migration, without discrimination of any kind and, in this regard:

(*a*) To ensure for migrant children, regardless of their legal status, the enjoyment of all human rights and, in accordance with their national laws and any relevant international obligations, appropriate access to health care and social services;

(b) To prevent and eliminate discriminatory policies that deny migrant children access to education, regardless of their migratory status;

(*c*) To ensure that every child preserves his or her identity, including nationality, name and family relations as recognized by law, without unlawful interference, including by ensuring the registration and issuance of birth certificates for every child, irrespective of his or her immigration status and that of his or her parents or family members;

(*d*) To take all reasonable steps to avoid the difficulties associated with statelessness for migrant children, in line with international obligations;

(*e*) To deal with applications to enter or leave a State for the purpose of family reunification in a positive, humane and expeditious manner, while ensuring that the submission of such requests entail no adverse consequences for the applicants and for the members of their family;

(*f*) To consider the possibility of adopting immigration programmes that allow migrants to integrate fully into the host countries, facilitate family reunification and promote a harmonious and tolerant environment;

6. *Requests* the Secretary-General to continue his efforts to promote and raise awareness of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Convention on the Rights of the Child, and to support, as appropriate, the building of greater synergies between the Committee on the Rights of the Child and the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, and to strengthen cooperation for the protection of migrant children;

7. *Requests* the Office of the United Nations High Commissioner for Human Rights to continue to elaborate and disseminate training and awareness-raising material on the rights of children in the context of migration, and to continue to contribute to national efforts in the development and implementation of policies and programmes that promote and protect their rights and, upon the request of States, to continue to provide assistance in the training of immigration officials;

8. *Also requests* the Office of the High Commissioner to prepare a study on challenges and best practices in the implementation of the international framework for the protection of the rights of the child in the context of migration, in consultation with relevant stakeholders, including States, regional organizations, civil society organizations and national human rights institutions, and requests that the study be available on the website of the Office prior to the fifteenth session of the Council, and to disseminate it to all relevant international forums.

30th meeting
1 October 2009

[Adopted without a vote.]

12/7. Elimination of discrimination against persons affected by leprosy and their family members

The Human Rights Council,

Recalling Council resolution 8/13 of 18 June 2008, in which the Council requested the Human Rights Council Advisory Committee to formulate a draft set of principles and guidelines for the elimination of discrimination against persons affected by leprosy and their family members,

Welcoming the open-ended consultation on the elimination of discrimination against persons affected by leprosy and their family members, organized by the Office of the

United Nations High Commissioner for Human Rights on 15 January 2009, and noting with appreciation its report based on the collection of information on the measures that Governments have taken in this regard (A/HRC/10/62),

1. *Expresses* its appreciation to the Advisory Committee for the timely submission of the draft set of principles and guidelines for the elimination of discrimination against persons affected by leprosy and their family members, contained in the annex to its recommendation 3/1 (see A/HRC/AC/3/2) to the Council;

2. *Requests* the Office of the United Nations High Commissioner for Human Rights to collect the views of relevant actors, including Governments, observers of the United Nations, relevant United Nations bodies, specialized agencies and programmes, non-governmental organizations, scientists and medical experts, as well as representatives of persons affected by leprosy and their family members, on the draft set of principles and guidelines, and to make those views available to the Advisory Committee;

3. *Requests* the Advisory Committee to finalize the draft set of principles and guidelines taking into full consideration the views of relevant actors referred to in paragraph 2 above, for submission to the Council by its fifteenth session;

4. *Decides* to remain seized of the matter.

30th meeting
1 October 2009

[Adopted without a vote.]

12/8. Human rights and access to safe drinking water and sanitation

The Human Rights Council,

Reaffirming all previous resolutions of the Council on human rights and access to safe drinking water and sanitation, inter alia, resolution 7/22 of 28 March 2008, in which the Council created the mandate of independent expert on human rights obligations related to access to safe drinking water and sanitation,

Recalling the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities,

Recalling also relevant provisions of declarations and programmes with regard to access to safe drinking water and sanitation adopted by major United Nations conferences and summits, and by the General Assembly at its special sessions and during follow-up meetings, inter alia, the Mar del Plata Action Plan on Water Development and Administration, adopted at the United Nations Water Conference in March 1977, Agenda 21, adopted at the United Nations

Conference on Environment and Development in June 1992, and the Habitat Agenda, adopted at the second United Nations Conference on Human Settlements in 1996,

Taking note with interest of regional commitments and initiatives promoting the further realization of human rights obligations related to access to safe drinking water and sanitation, including in the Protocol on Water and Health, adopted by the United Nations Economic Commission for Europe in 1999, the European Charter on Water Resources, adopted by the Council of Europe in 2001, the Abuja Declaration, adopted at the first Africa-South America summit in 2006, the message from Beppu, adopted at the first Asian-Pacific Water Summit in 2007, the Delhi Declaration, adopted at the third South Asian Conference on Sanitation in 2008, and the Cairo Declaration, adopted at the fifteenth summit of Heads of State and Government of the Non-Aligned Movement in 2009,

Bearing in mind the commitments made by the international community to achieve fully the Millennium Development Goals, and stressing, in that context, the resolve of Heads of State and Government, as expressed in the United Nations Millennium Declaration, to halve, by 2015, the proportion of people unable to reach or afford safe drinking water, and to halve the proportion of people without access to basic sanitation, as agreed in the Johannesburg Plan of Action,

Deeply concerned that approximately 884 million people lack access to safe drinking water and that over 2.5 billion do not have access to basic sanitation,

Reaffirming the fact that international human rights law instruments, including the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities entail obligations for States parties in relation to access to safe drinking water and sanitation,

Welcoming the consultation with the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation on 29 April 2009,

Recalling General Assembly resolution 61/192 of 20 December 2006, in which the Assembly declared 2008 the International Year of Sanitation,

1. *Welcomes* the work of the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation, including the undertaking of country missions;

2. *Acknowledges with appreciation* the independent expert's first annual report (A/HRC/12/24), including her recommendations and the clarifications with regard to the content of human rights obligations in the access to sanitation, proposing, inter alia, the categories of availability, quality, physical accessibility, affordability and acceptability;

3. *Recognizes* that States have an obligation to address and eliminate discrimination with regard to access to sanitation, and urges them to address effectively inequalities in this area;

4. *Calls upon* States:

(*a*) To create an enabling environment to address the issue of lack of sanitation at all levels, including, where appropriate, by budgeting, legislation, the establishment of regulatory, monitoring and accountability frameworks and mechanisms, the assignment of clear institutional responsibilities and the appropriate inclusion of sanitation in national poverty reduction strategies and development plans;

(*b*) To collect, at the appropriate level, current, accurate and detailed information about sanitation coverage in the country and the characteristics of unserved and underserved households, and to make this information available to all stakeholders;

(*c*) To develop, where appropriate, national and/or local plans of action, in cooperation with other stakeholders, in order to address the lack of access to sanitation in a comprehensive way, giving due consideration to wastewater management, including treatment and reuse;

(*d*) To ensure and promote access to information for, and the full, free and meaningful participation of, local communities in the design, implementation and monitoring of the above mentioned plans of action;

(*e*) To adopt a gender-sensitive approach to all relevant policymaking in the light of the special sanitation needs of women and girls;

(*f*) To organize or otherwise support, as appropriate, large-scale public awareness campaigns promoting behaviour change in sanitation and to provide information, in particular on hygiene promotion;

5. *Recognizes* the important contribution of the private sector when addressing the issue of access to sanitation;

6. S*tresses* the important role of international cooperation and technical assistance played by the specialized agencies of the United Nations system, international and development partners as well as donor agencies, and therefore the need that more should be done when mobilizing resources to support effectively the efforts of States to address the lack of access to sanitation, and urges development partners to adopt a human rights-based approach when designing relevant development programmes in support of national initiatives and plans of action;

7. *Requests* the independent expert to continue to report, on an annual basis, to the Council and to submit an annual report to the General Assembly;

8. *Notes with appreciation* the cooperation extended to date to the independent expert by different actors, and calls upon all States to continue to cooperate with the independent expert in the discharge of her mandate and to respond favourably to her requests for information and visits;

9. *Requests* the United Nations High Commissioner for Human Rights to continue to ensure that the independent expert receives the necessary resources to enable her to discharge her mandate fully;

10. *Decides* to continue its consideration of this matter under the same agenda item and in accordance with its programme of work.

30th meeting
1 October 2009

[Adopted without a vote.]

12/9. Human rights and international solidarity

The Human Rights Council,

Reaffirming all previous resolutions adopted by the Commission on Human Rights and the Council on the issue of the human rights and international solidarity, including Commission resolution 2005/55 of 20 April 2005 and Council resolutions 6/3 of 27 September 2007, 7/5 of 27 March 2008 and 9/2 of 24 September 2008, and taking note of the reports presented by the independent expert on human rights and international solidarity, in particular his latest report (A/HRC/12/27),

Underlining the fact that the processes of promoting and protecting human rights should be conducted in conformity with the purposes and principles of the Charter of the United Nations and international law,

Recalling that, at the World Conference on Human Rights, held in June 1993, States pledged to cooperate with each other in ensuring development and eliminating obstacles to development, and stressed that the international community should promote effective international cooperation for the realization of the right to development and the elimination of obstacles to development,

Reaffirming the fact that article 4 of the Declaration on the Right to Development states that sustained action is required to promote more rapid development of developing countries and, as a complement to the efforts of developing countries, effective international cooperation is essential in order to provide these countries with the appropriate means and facilities to foster their comprehensive development,

Taking into account the fact that article 2 of the International Covenant on Economic, Social and Cultural Rights states that each State party to the Covenant undertakes to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the Covenant by all appropriate means, including particularly the adoption of legislative measures,

Persuaded that sustainable development can be promoted by peaceful coexistence, friendly relations and cooperation among States with different social, economic or political systems,

Reaffirming the fact that the widening gap between the economically developed and developing countries is unsustainable and that it impedes the realization of human rights in the international community, and makes it all the more imperative for every nation, according to its capacities, to make the maximum possible effort to close this gap, *Expressing concern* at the fact that the immense benefits resulting from the process of globalization and economic interdependence have not reached all countries, communities and individuals, and at the increasing marginalization from their benefits of several countries, particularly least developed and African countries,

Expressing its deep concern at the number and scale of natural disasters, diseases and agricultural pests and their increasing impact in recent years, which have resulted in a massive loss of life and long-term negative social, economic and environmental consequences for vulnerable societies throughout the world, in particular in developing countries,

Reaffirming the crucial importance of increasing the resources allocated for official development assistance, recalling the pledge of industrialized countries to allocate 0.7 per cent of their gross national product for official development assistance, and recognizing the need for new and additional resources to finance the development programmes of developing countries,

Determined to take new steps forward in the commitment of the international community with a view to achieving substantial progress in human rights endeavours by an increased and sustained effort of international cooperation and solidarity,

Asserting the necessity for establishing new, equitable and global links of partnership and intra-generational solidarity for the perpetuation of humankind,

Recognizing that the attention paid to the importance of international solidarity as a vital component of the efforts made by developing countries to realize the right to development of their peoples and to promote the full enjoyment of economic, social and cultural rights by everyone has been insufficient,

Resolved to strive to ensure that present generations are fully aware of their responsibilities towards future ones, and that a better world is possible for both present and future generations,

1. *Reaffirms* the recognition set forth in the declaration adopted by the Heads of State and Government at the Millennium Summit of the fundamental value of solidarity to international relations in the twenty-first century, in stating that global challenges must be managed in a way that distributes costs and burdens fairly, in accordance with basic principles of equity and social justice, and that those who suffer, or who benefit least, deserve help from those who benefit most;

2. *Expresses its determination* to contribute to the solution of current world problems through increased international cooperation, to create conditions that will ensure that the needs and interests of future generations are not jeopardized by the burden of the past, and to hand over a better world to future generations;

3. *Urges* the international community to consider urgently concrete measures to promote and consolidate international assistance to developing countries in their development endeavours and for the promotion of conditions conducive to the full realization of all human rights;

4. *Calls upon* the international community to promote international solidarity and cooperation as an important tool to help to overcome the negative effects of the current economic, financial and climate crisis, particularly in developing countries;

5. *Reaffirms* that the promotion of international cooperation is a duty for States, that it should be implemented without any conditionality and on the basis of mutual respect, in full compliance with the principles and purposes of the Charter of the United Nations, in particular respect for the sovereignty of States, and taking into account national priorities;

6. *Recognizes* that the so-called "third-generation rights" closely interrelated to the fundamental value of solidarity need further progressive development within the United Nations human rights machinery in order to be able to respond to the increasing challenges of international cooperation in this field;

7. *Requests* all States, United Nations agencies, other relevant international organizations and non-governmental organizations to mainstream the right of peoples and individuals to international solidarity in their activities, and to cooperate with the independent expert in his mandate, to supply all necessary information requested by him and to give serious consideration to responding favourably to his requests to visit their country, to enable him to fulfil his mandate effectively;

8. *Requests* the independent expert to continue his work in the preparation of a draft declaration on the right of peoples and individuals to international solidarity, and in further developing guidelines, standards, norms and principles with a view to promoting and protecting this right, by addressing, inter alia, existing and emerging obstacles to its realization;

9. *Also requests* the independent expert to take into account the outcomes of all major United Nations and other global summits and ministerial meetings in the economic, social and climate fields and to seek views and contributions from Governments, United Nations agencies, other relevant international organizations and non-governmental organizations in the discharge of his mandate;

10. *Requests* the Human Rights Council Advisory Committee to prepare inputs to contribute to the elaboration of the draft declaration on the right of peoples and individuals to international solidarity, and to the further development of guidelines, standards, norms and principles with a view to promoting and protecting this right;

11. *Requests* the independent expert to submit a report on the implementation of the present resolution to the Council at its fifteenth session;

12. *Decides* to continue its examination of this issue at its fifteenth session under the same agenda item.

30th meeting
1 October 2009

[Adopted by a recorded vote of 33 to 14. The voting was as follows:

In favour:	Angola, Argentina, Bahrain, Bangladesh, Bolivia (Plurinational State of), Brazil, Burkina Faso, Cameroon, Chile, China, Cuba, Djibouti, Egypt, Gabon, Ghana, India, Indonesia, Jordan, Kyrgyzstan, Madagascar, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Uruguay, Zambia;
Against:	Belgium, Bosnia and Herzegovina, France, Hungary, Italy, Japan, Netherlands, Norway, Republic of Korea, Slovakia, Slovenia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.]

12/10. Follow-up to the seventh special session of the Human Rights Council on the negative impact of the worsening of the world food crisis on the realization of the right to food for all

The Human Rights Council,

Reaffirming all previous resolutions and decisions on the right to food adopted in the framework of the United Nations, in particular Council resolutions S-7/1 of 22 May 2008 and 9/6 of 18 September 2008,

Recalling the United Nations Millennium Declaration, in particular the first Millennium Development Goal of eradicating hunger and extreme poverty by 2015,

Noting the outcome of the High-level Conference on World Food Security: the Challenges of Climate Change and Bioenergy, held in Rome from 3 to 5 June 2008,

Resolved to act to ensure that the human rights perspective is taken into account at the national, regional and international levels in measures to address the current world food crisis,

Welcoming the panel discussion on the realization of the right to food in the context of the global food crisis, held by the Council on 9 March 2009, which offered an opportunity for persons affected by the crisis to participate and provide input to the discussions,

Acknowledging the task force established by the Secretary-General, and supporting the Secretary-General to continue his efforts in this regard,

Recognizing the complex character of the current global food crisis, as a combination of several major factors, both structural and conjunctural, also negatively affected by, inter alia, environmental degradation, drought and desertification, global climate change, natural disasters and the lack of the necessary technology, and also that a strong commitment from national Governments and the international community as a whole is required to confront the major threats to food security,

Concerned by the fact that the effects of the world food crisis are not over and that they continue to have serious consequences on the most vulnerable people, particularly in developing countries, which have been further aggravated by the world economic and financial crisis,

1. *Acknowledges with appreciation* the report of the Special Rapporteur on the right to food (A/HRC/12/31), and takes note of his recommendations;

2. *Expresses* grave concern at the fact that the current world food crisis seriously undermines the realization of the right to food for all, and especially for one sixth of the world population, mainly in developing and least developed countries, suffering from hunger, malnutrition and food insecurity;

3. *Encourages* States to mainstream the human rights perspective in building and reviewing their national strategies for the realization of the right to adequate food for all, which could include, inter alia, the mapping of the food insecure, the adoption of relevant legislation and policies with a right to food framework, the establishment of mechanisms to ensure accountability so that rights-holders are able to claim their right to food, and the establishment of mechanisms and processes that ensure the participation of rights-holders, particularly the most vulnerable, in the design and monitoring of such legislation and policies;

4. *Also encourages* all States to invest or promote investment in agriculture and rural infrastructure in a manner that empowers the most vulnerable and affected by the current crisis in order to ensure their realization of the right to food;

5. *Calls upon* States, individually and through international cooperation and assistance, relevant multilateral institutions and other relevant stakeholders, to take all necessary measures to ensure the realization of the right to food as an essential human rights objective, and to consider reviewing any policy or measure that could have a negative impact on the realization of the right to food, particularly the right of everyone to be free from hunger, before instituting such a policy or measure;

6. *Stresses* that States have a primary obligation to make their best efforts to meet the vital food needs of their own populations, especially of vulnerable groups and households, such as by enhancing programmes to combat mother-child malnutrition, and to increase local production for this purpose, while the international community should provide, through a coordinated response and upon request, international cooperation in support for national and regional efforts by providing the necessary assistance for increasing food production, particularly through agricultural development assistance, the transfer of technology, food crop rehabilitation assistance and food aid, with a special focus on the gender-sensitive dimension;

7. *Encourages* all relevant international organizations and agencies to bring a human rights perspective and the need for the realization of the right to food for all to their studies, research, reports and resolutions on the issue of food security;

8. *Requests* the Special Rapporteur to continue to promote the right to food as outlined in his mandate and, as part of it, to continue to follow up on the world food crisis through a continued dialogue with stakeholders at all levels, including with all relevant international organizations and agencies of the United Nations system, in order to contribute to identifying means to implement the right to food;

9. *Also requests* the Special Rapporteur, within the framework of his mandate, to inform the Council on the crisis, the impact of the crisis on the realization of the right to food and progress made and obstacles encountered in relation to the implementation of measures to respond to the world food crisis and of evolving best practices in this regard;

10. *Requests* the United Nations High Commissioner for Human Rights to bring the present resolution to the attention of all relevant international organizations and agencies;

11. *Decides* to remain seized of the implementation of the present resolution.

30th meeting
1 October 2009

[Adopted without a vote.]

12/11. Human rights and transitional justice

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, the Geneva Conventions of 12 August 1949 and the Protocols Additional thereto of 8 June 1977, other relevant international human rights law and international humanitarian law instruments and the Vienna Declaration and Programme of Action,

Recalling Commission on Human Rights resolutions on human rights and transitional justice (2005/70 of 20 April 2005), impunity (2005/81 of 21 April 2005) and the right to the truth (2005/66 of 20 April 2005), General Assembly resolution 60/147 of 16 December 2005 on the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law, and Serious Violations of International Humanitarian Law, as well as Council resolutions 9/10 of 24 September 2008 on human rights and transitional justice and 9/11, also of 24 September 2008, on the right to the truth,

Recalling also the report of the Secretary-General on the rule of law and transitional justice in conflict and post-conflict societies (S/2004/616), including the relevant recommendations contained therein, and the report of the Secretary-General entitled "Uniting our strengths: Enhancing United Nations support for the rule of law" (A/61/636-S/2006/980), which designates the Office of the United Nations High Commissioner for Human Rights as the lead entity within the United Nations system on, inter alia, transitional justice, as well as the report of the Secretary-General on enhancing mediation and its support activities (S/2009/189),

Recalling further the set of principles for the protection and promotion of human rights through action to combat impunity (E/CN.4/Sub.2/1997/20/Rev.1, annex II) and taking note with appreciation of the updated version of those principles (E/CN.4/2005/102/Add.1), as well as the report of the Special Rapporteur on the independence of judges and lawyers (E/CN.4/2006/52),

Recalling Security Council resolution 1325 (2000) on women, peace and security, and reaffirming the important role of women in the prevention and resolution of conflicts and in peacebuilding, and the need to increase their role in decision-making with regard to conflict prevention and resolution, *Welcoming* the role of the Peacebuilding Commission in this regard, and recalling the necessity for the Commission to intensify its efforts, within its mandate, in cooperation with national and transitional Governments and in consultation with the relevant United Nations entities, to incorporate human rights, when advising on or proposing country-specific peacebuilding strategies for post-conflict situations in cases under consideration, where applicable,

Recognizing the role of the International Criminal Court in a multilateral system that aims to end impunity, establish the rule of law, promote and encourage respect for human rights and achieve sustainable peace, in accordance with international law and the purposes and principles of the Charter,

Welcoming the activities of the United Nations, including through its field presences, in assisting States to design, establish and implement transitional justice mechanisms and promote the rule of law, as well as its conceptual and analytical work on transitional justice and human rights,

Welcoming also the increased integration of a human rights perspective, including through the activities of the Office of the United Nations High Commissioner for Human Rights in cooperation with other relevant parts of the United Nations system, in the United Nations activities related to transitional justice, as well as the importance given to the rule of law and transitional justice by the High Commissioner and her Office, including its Rule of Law and Democracy Unit,

Stressing that the full range of civil, cultural, economic, political and social rights should be taken into account in any transitional justice context, in order to promote, inter alia, the rule of law and accountability,

1. *Takes note with appreciation* of the analytical study on human rights and transitional justice (A/HRC/12/18 and Add.1);

2. *Underlines* the importance and urgency of national and international efforts to end human rights violations, restore justice and the rule of law in conflict and post-conflict situations and, where relevant, in the context of transitional processes;

3. *Also underlines* the fact that, when designing a transitional justice strategy, the specific context of each situation must be taken into account with a view to preventing the recurrence of crises, future violations of human rights and to ensure social cohesion, nation-building, ownership and inclusiveness at the national and local levels;

4. *Emphasizes* the importance of a comprehensive approach to transitional justice, incorporating the full range of judicial and non-judicial measures, including, among others, individual prosecutions, reparations, truth-seeking, institutional reform, vetting of public employees and officials, or an appropriately conceived combination thereof, in order to, inter alia, ensure accountability, serve justice, provide remedies to victims, promote healing and reconciliation, establish independent oversight of the security system and restore confidence in the institutions of the State and promote the rule of law in accordance with international human rights law;

5. *Underlines* the fact that truth-seeking processes, such as truth and reconciliation commissions, that investigate patterns of past human rights violations and their causes and consequences are important tools that can complement judicial processes and, when established, such mechanisms have to be designed within a specific societal context and to be founded on broad national consultations with the inclusion of victims and civil society, including non-governmental organizations;

6. *Stresses* the need within a sustainable transitional justice strategy to develop national prosecutorial capacities that are based on a clear commitment to combat impunity, to take into account the victim's perspective and to ensure compliance with human rights obligations concerning fair trials;

7. *Reaffirms* the responsibility of States to comply with their relevant obligations to prosecute those responsible for gross violations of human rights and serious violations of international humanitarian law constituting crimes under international law, with a view to ending impunity;

8. *Notes with interest* the conclusion of the Secretary-General that peace agreements endorsed by the United Nations can never promise amnesties for genocide, crimes against humanity, war crimes and gross violations of human rights;

9. *Emphasizes* that a human rights approach should be incorporated into vetting processes that are part of institutional reform aiming at preventing the recurrence of human rights violations;

10. *Also emphasizes* that justice, peace, democracy and development are mutually reinforcing imperatives;

11. *Welcomes* the fact that a growing number of peace agreements contain provisions for transitional justice processes, such as truth-seeking, prosecution initiatives, reparations programmes and institutional reform, and do not provide for blanket amnesties;

12. *Stresses* the importance of a comprehensive process of national consultation, particularly with those affected by human rights violations, in contributing to a holistic transitional justice strategy that takes into account the particular circumstances of every situation and is in conformity with human rights;

13. *Underlines* the importance of giving vulnerable groups, including those marginalized for political, socio-economic or other reasons, a voice in these processes and to ensure that discrimination, the root causes of conflict and violations of all human rights, including economic, social and cultural rights, are addressed;

14. *Recognizes* the important role played in the realization of transitional justice goals and in the reconstruction of the society, as well as in the promotion of the rule of law and accountability, by:

(*a*) Victims' associations, human rights defenders and other actors of civil society, as well as national human rights institutions created in conformity with the Paris Principles;

(*b*) Women's organizations in the design, establishment and implementation of transitional justice mechanisms, so as to ensure that women are represented in their structures and that a gender perspective is reflected in their mandates and work;

(*c*) Free and independent media in informing the public about the human rights dimension in the area of transitional justice mechanisms locally, nationally and internationally;

15. *Emphasizes* the need to provide gender-sensitive human rights training in the context of transitional justice to all relevant national actors, including police, military, intelligence and security services, prosecution staff and members of the judiciary, in dealing with victims of human rights violations, particularly women and girls, in order to ensure gender sensitivity in the restoration of the rule of law and transitional justice processes;

16. *Underlines* the need for the rights of both victims and accused persons to be respected, in accordance with international human rights law, with particular attention paid to those most affected by conflicts and the breakdown of the rule of law, among them women, children, migrants, refugees, persons with disabilities and persons belonging to minorities and indigenous peoples, and to ensure that specific measures are taken for their free participation and protection and for the sustainable return of refugees and internally displaced persons in safety and dignity;

17. *Calls upon* States to assist the United Nations in its ongoing work on the relevant recommendations of the report of the Secretary-General on the rule of law and transitional justice in conflict and post-conflict societies and the one entitled "Uniting our strengths: Enhancing United Nations support for the rule of law", including by incorporating international human rights law, principles and best practices into the development and implementation of transitional justice mechanisms and by cooperating fully with United Nations field presences in the area of human rights and transitional justice and by facilitating the work of relevant special procedures;

18. *Calls upon* the international community and regional organizations to assist countries, who so consent, in the context of transitional justice, to ensure the promotion and protection of human rights and to incorporate best practices into the development and implementation of transitional justice mechanisms;

19. *Recommends* that a human rights and transitional justice perspective be taken into account in peace negotiations, and that those conducting peace negotiations draw upon the relevant human rights and transitional justice expertise available within the United Nations system;

20. *Requests* the Office of the United Nations High Commissioner for Human Rights to continue to enhance its leading role within the United Nations, including with regard to conceptual and analytical work regarding transitional justice, and to assist States, with their consent, to design, establish and implement transitional justice mechanisms from a human rights perspective, while stressing the importance of close cooperation between the Office of the High Commissioner and other relevant parts of the United Nations, as well as other international and non-governmental organizations, with regard to incorporating human rights and best practices into the development and implementation of transitional justice mechanisms and to the ongoing

process of strengthening the United Nations system in the area of the rule of law and transitional justice;

21. *Also requests* the Office of the High Commissioner to submit to the Council, at its eighteenth session, a report containing an update of the activities undertaken by the Office in the context of transitional justice, including by the human rights components of peace missions, as well as an analysis of the relationship between disarmament, demobilization and reintegration and transitional justice, in consultation with the United Nations Development Programme, the Department of Peacekeeping Operations and other relevant parts of the United Nations system, civil society, States and other stakeholders;

22. *Requests* other parts of the United Nations system to cooperate fully with the Office of the High Commissioner in the area of human rights and transitional justice;

23. *Invites* relevant special procedures of the Council, as appropriate, in the framework of their mandates, to continue to address the relevant aspects of transitional justice in their work;

24. *Decides* to continue its consideration of this matter at its eighteenth session, or at the corresponding session in conformity with its annual programme of work.

30th meeting
1 October 2009

[Adopted without a vote.]

12/12. Right to the truth

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Geneva Conventions of 12 August 1949 and the Protocols Additional thereto of 1977, and other relevant instruments of international human rights law and international humanitarian law, as well as the Vienna Declaration and Programme of Action,

Recognizing the universality, indivisibility, interdependence and interrelatedness of civil, political, economic, social and cultural rights,

Recalling article 32 of Additional Protocol I to the Geneva Conventions of 12 August 1949 relating to the Protection of Victims of International Armed Conflicts, which recognizes the right of families to know the fate of their relatives,

Recalling also that article 33 of Additional Protocol I provides that the parties to an armed conflict shall search for the persons who have been reported missing, as soon as circumstances permit, *Recalling further* the International Convention for the Protection of All Persons from Enforced Disappearance, adopted by the General Assembly in its resolution 61/177 of 20 December 2006, in which article 24 (2) sets out the right of victims to know the truth regarding the circumstances of the enforced disappearance, the progress and results of the investigation and the fate of the disappeared person, and sets forth State party obligations to take appropriate measures in this regard, and the preamble that reaffirms the right to freedom to seek, receive and impart information to that end,

Taking into account Commission on Human Rights resolution 2005/66 of 20 April 2005, Council decision 2/105 of 27 November 2006 and resolution 9/11 of 18 September 2008 on the right to the truth,

Taking also into account Council resolution 10/26 of 27 March 2009 on forensic genetics and human rights, in which the Council recognized the importance of the utilization of forensic genetics to deal with the issue of impunity within the framework of investigations related to gross human rights violations and serious violations of international humanitarian law,

Acknowledging the reports of the Office of the United Nations High Commissioner for Human Rights on the right to the truth (E/CN.4/2006/91, A/HRC/5/7) and its significant conclusions related to the right to know the truth about gross violations of human rights and serious violations of international humanitarian law,

Acknowledging also the report of the Office of the High Commissioner on the right to the truth (A/HRC/12/19) and its conclusions regarding the importance of the protection of witnesses within the framework of criminal procedures related to gross human rights violations and serious violations of international humanitarian law, as well as on issues related to the elaboration and management of archive systems to guarantee the effective implementation of the right to the truth,

Stressing that adequate steps to identify victims should also be taken in situations not amounting to armed conflict, especially in cases of massive or systematic violations of human rights,

Recalling the set of principles for the protection and promotion of human rights through action to combat impunity (E/CN.4/Sub.2/1997/20/Rev.1, annex II) and taking note with appreciation of the updated version of those principles (E/CN.4/2005/102/Add.1),

Noting that the Special Rapporteur on the independence of judges and lawyers has recognized the right to the truth, its scope and implementation (E/CN.4/2006/52), and also that the Human Rights Committee and the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1999/62) have recognized the right of the victims of gross violations of human rights and the right of their relatives to the truth about the events that have taken place, including the identification of the perpetrators of the facts that gave rise to such violations,

Acknowledging in cases of gross violations of human rights and serious violations of international humanitarian law the need to study the interrelationship between the right to the truth and the right to access to justice, the right to obtain effective remedy and reparation and other relevant human rights, *Stressing* the importance for the international community to endeavour to recognize the right of victims of gross violations of human rights and serious violations of international humanitarian law, and their families and society as a whole, to know the truth regarding such violations, to the fullest extent practicable, in particular the identity of the perpetrators, the causes and facts of such violations, and the circumstances under which they occurred,

Stressing also that it is important for States to provide appropriate and effective mechanisms for society as a whole and, in particular, for relatives of the victims, to know the truth regarding gross violations of human rights and serious violations of international humanitarian law,

Recalling that a specific right to the truth may be characterized differently in some legal systems as the right to know or the right to be informed or freedom of information,

Emphasizing that the public and individuals are entitled to have access, to the fullest extent practicable, to information regarding the actions and decision-making processes of their Government, within the framework of each State's domestic legal system,

Recognizing the importance of preserving historic memory related to gross human rights violations and serious violations of international humanitarian law through the conservation of archives and other documents related to those violations,

Convinced that States should preserve archives and other evidence concerning gross violations of human rights and serious violations of international humanitarian law to facilitate knowledge of such violations, to investigate allegations and to provide victims with access to an effective remedy in accordance with international law,

1. *Recognizes* the importance of respecting and ensuring the right to the truth so as to contribute to ending impunity and to promote and protect human rights;

2. *Welcomes* the establishment in several States of specific judicial mechanisms and other non-judicial mechanisms, such as truth and reconciliation commissions, that complement the justice system, to investigate violations of human rights and of international humanitarian law, and appreciates the elaboration and publication of the reports and decisions of these bodies;

3. *Encourages* the States concerned to disseminate, implement and monitor implementation of the recommendations of non-judicial mechanisms such as truth and reconciliation commissions, and to provide information regarding compliance with the decisions of judicial mechanisms;

4. *Encourages* other States to consider establishing specific judicial mechanisms and, where appropriate, truth and reconciliation commissions to complement the justice system, in order to investigate and address gross violations of human rights and serious violations of international humanitarian law;

5. *Encourages* States to provide requesting States the necessary and appropriate assistance regarding the right to the truth by means of, among other actions, technical cooperation and exchange of information concerning administrative, legislative and judicial and non-judicial measures, as well as experiences and best practices that have as a purpose the

protection, promotion and implementation of this right, including practices regarding the protection of witnesses and the preservation and management of archives;

6. *Also encourages* States to design programmes and other measures to protect witnesses and individuals who cooperate with judicial bodies and mechanisms of a quasi-judicial or non-judicial nature, such as human rights commissions and truth commissions;

7. *Welcomes* the fact that 81 States have signed and 13 States have ratified the International Convention for the Protection of All Persons from Enforced Disappearance, and encourages all States that have not yet signed, ratified or acceded to the Convention to consider doing so, in order to allow its entry into force as soon as possible;

8. *Requests* the Office of the United Nations High Commissioner for Human Rights to prepare a report, to be presented to the Council at its fifteenth session, on the basis of information, including from States, on programmes and other measures for the protection of witnesses implemented within the framework of criminal procedures related to gross violations of human rights and serious violations of international humanitarian law, with a view to determine the need to develop common standards and promote best practices that would serve as guidelines to States in protecting witnesses and others concerned with providing cooperation in trials for gross human rights violations and serious violations of international humanitarian law;

9. *Invites* the Office of the High Commissioner to convene, within existing resources, a seminar, taking into account different experiences on the importance of the creation, organization and management of public systems of archives as a means to guarantee the right to the truth, with a view to study the need for guidelines on this issue, and also requests the Office to report on the outcome of the consultation, in the form of a summary of discussions on the above-mentioned issue, to the Council at its seventeenth session;

10. *Invites* special rapporteurs and other mechanisms of the Council, in the framework of their mandates, to take into account, as appropriate, the issue of the right to the truth;

11. *Decides* to consider this matter at its fifteenth session under the same agenda item, or at the corresponding session in conformity with its annual programme of work.

30th meeting
1 October 2009

[Adopted without a vote.]

12/13. Human rights and indigenous peoples

The Human Rights Council,

Bearing in mind that the General Assembly, in its resolution 59/174 of 20 December 2004, proclaimed the Second International Decade of the World's Indigenous People, *Bearing in mind also* General Assembly resolution 60/251 of 15 March 2006 and Council resolutions 5/1 on institution-building of the Council and 5/2 on the code of conduct for special procedures mandate holders of the Council, both of 18 June 2007,

Recalling Commission on Human Rights resolutions 2001/57 of 24 April 2001, 2002/65 of 25 April 2002, 2003/56 of 24 April 2003, 2004/62 of 21 April 2004 and 2005/51 of 20 April 2005 on human rights and indigenous issues,

Recalling also Council resolutions 6/12 of 28 September 2007, 6/36 of 14 December 2007 and 9/7 of 24 September 2008,

Recalling further the adoption of the United Nations Declaration on the Rights of Indigenous Peoples by the General Assembly in its resolution 61/295 of 13 September 2007,

1. *Welcomes* the report of the United Nations High Commissioner for Human Rights on indigenous issues (A/HRC/10/51), and requests the High Commissioner to present an annual report on the rights of indigenous peoples to the Council, containing information on relevant developments of human rights bodies and mechanisms and activities undertaken by the Office of the High Commissioner at Headquarters and in the field that contribute to the promotion of and respect for, and the full application of, the provisions of the United Nations Declaration on the Rights of Indigenous Peoples, and follow up the effectiveness of the Declaration;

2. *Also welcomes* the report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/HRC/12/34);

3. *Requests* the Special Rapporteur to report on the implementation of his mandate to the General Assembly at its sixty-fifth session;

4. *Welcomes* the first and second reports of the Expert Mechanism on the Rights of Indigenous Peoples (A/HRC/10/56 and A/HRC/12/32);

5. *Also welcomes* the successful completion of the study on lessons learned and challenges to achieve the implementation of the right of indigenous peoples to education (A/HRC/12/33), and strongly encourages States to disseminate it broadly and to take it into account when elaborating national plans and strategies;

6. *Requests* the Expert Mechanism, in accordance with its mandate, to carry out a study on indigenous peoples and the right to participate in decision-making, to present a progress report to the Council at its fifteenth session, and a final study to the eighteenth session;

7. *Decides* that the reports of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, the Expert Mechanism on the Rights of Indigenous Peoples and the High Commissioner will be considered by the Council at its annual September session and that the Expert Mechanism should hold its future annual sessions well in advance of that session, if possible in June;

8. *Also decides* to introduce staggered terms for the membership of the Expert Mechanism, considering the need to secure continuity in its functioning;

9. *Requests* the Office of the High Commissioner to prepare a detailed document outlining the practical implications of a change in mandate of the Voluntary Fund, in particular if it is expanded, the current working methods and resources of the Fund, and to present it to the Council at its fifteenth session;

10. *Requests* the Special Rapporteur, the Permanent Forum on Indigenous Issues and the Expert Mechanism to continue to carry out their tasks in a coordinated manner;

11. *Encourages* those States that have not yet ratified or acceded to the Convention concerning Indigenous and Tribal Peoples in Independent Countries of the International Labour Organization (C169) to consider doing so, and to consider supporting the United Nations Declaration on the Rights of Indigenous Peoples;

12. *Decides* to continue consideration of this question at a future session, in conformity with its annual programme of work.

30th meeting
1 October 2009

[Adopted without a vote.]

12/14. Situation of human rights in Honduras since the coup d'état on 28 June 2009

The Human Rights Council,

Recalling the Charter of the United Nations and the Universal Declaration of Human Rights,

Recalling also General Assembly resolution 60/251 of 15 March 2006,

Recalling further Council resolution 5/1 of 18 June 2007,

Recalling General Assembly resolution 63/301 of 30 June 2009 on the situation in Honduras,

Acknowledging the resolutions and declarations adopted by regional and subregional organizations on the coup d'état that took place in Honduras on 28 June 2009,

Deeply concerned at the coup d'état in Honduras,

Deeply concerned also at the human rights violations in Honduras reported by several special procedures of the Council and regional human rights bodies of the Organization of American States,

1. *Strongly condemns* the human rights violations occurring as a consequence of the coup d'état of 28 June 2009, and in particular following the return of President José Manuel Zelaya Rosales on 21 September 2009;

2. *Calls for* the immediate end to all human rights violations in Honduras and for the unconditional respect for all human rights and fundamental freedoms, as well as the restoration of democracy and the rule of law;

3. *Calls on* all actors and institutions to refrain from violence and to respect human rights and fundamental freedoms;

4. *Expresses* its support for regional and subregional efforts made to restore the democratic and constitutional order and the rule of law in Honduras;

5. *Requests* the United Nations High Commissioner for Human Rights to present a comprehensive report on the violations of human rights in Honduras since the coup d'état, and to submit a preliminary report thereon to the General Assembly at the main part of its sixty-fourth session and to the Council at its thirteenth session.

30th meeting
1 October 2009

[Adopted without a vote.]

12/15. Regional arrangements for the promotion and protection of human rights

The Human Rights Council,

Recalling General Assembly resolution 32/127 of 16 December 1977 and subsequent Assembly resolutions concerning regional arrangements for the promotion and protection of human rights, the latest being resolution 63/170 of 18 December 2008,

Recalling also Commission on Human Rights resolution 1993/51 of 9 March 1993 and subsequent Commission resolutions in this regard, and Council resolution 6/20 of 28 September 2007,

Bearing in mind paragraph 5 (h) of General Assembly resolution 60/251 of 15 March 2006, in which the Assembly decided that the Council should work in close cooperation with regional organizations,

Bearing in mind also the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993, which reiterates, inter alia, the need to consider the possibility of establishing regional and subregional arrangements for the promotion and protection of human rights where they do not already exist,

Reaffirming the fact that regional arrangements play an important role in promoting and protecting human rights and should reinforce universal human rights standards, as contained in international human rights instruments,

1. *Welcomes* the report of the Secretary-General on the workshop on regional arrangements for the promotion and protection of human rights (A/HRC/11/3), held on 24 and 25 November 2008 in Geneva, including its conclusions and recommendations;

2. *Also welcomes* the progress made by Governments in the establishment of regional and subregional arrangements for the promotion and protection of human rights, and their achievements in all regions of the world;

3. *Further welcomes* the regional efforts made by Member States of the Association of Southeast Asian Nations to advance the promotion and protection of human rights and fundamental freedoms in the Southeast Asian region, as manifested by the establishment of the Association's Intergovernmental Commission on Human Rights;

4. *Requests* the United Nations High Commissioner for Human Rights to hold a workshop on regional arrangements for the promotion and protection of human rights on a regular basis and to convene the next one in the first semester of 2010, within existing resources, to allow further sharing of information and concrete proposals on ways and means to strengthen cooperation between the United Nations and regional arrangements in the field of human rights and the identification of strategies to overcome obstacles to the promotion and protection of human rights at the regional and international levels, with the participation of representatives of the relevant regional and subregional arrangements from different regions, experts and interested States Members of the United Nations, observers, national human rights institutions and representatives of non-governmental organizations;

5. *Also requests* the High Commissioner to present to the Council, at its fifteenth session, a report on the discussions held at the above-mentioned workshop and on the progress towards the implementation of the present resolution.

30th meeting
1 October 2009

[Adopted without a vote.]

12/16. Freedom of opinion and expression

The Human Rights Council,

Recalling Council resolution 7/36 of 28 March 2008 and all previous resolutions of the Commission on Human Rights on the right to freedom of opinion and expression,

Recognizing that the exercise of the right to freedom of opinion and expression is one of the essential foundations of a democratic society, is enabled by a democratic environment, which offers, inter alia, guarantees for its protection, is essential to full and effective participation in a free and democratic society, and is instrumental to the development and strengthening of effective democratic systems, *Recognizing also* that the effective exercise of the right to freedom of opinion and expression is an important indicator of the level of protection of other human rights and freedoms, bearing in mind that all human rights are universal, indivisible, interdependent and interrelated,

Deeply concerned that violations of the right to freedom of opinion and expression continue to occur, including increased attacks directed against, and killings of, journalists and media workers, and stressing the need to ensure greater protection for all media professionals and for journalistic sources,

Stressing the need to ensure that the invocation of national security, including counter-terrorism, is not used unjustifiably or arbitrarily to restrict the right to freedom of opinion and expression,

Stressing also the importance of the full respect for the freedom to seek, receive and impart information, including the fundamental importance of access to information, democratic participation, accountability and combating corruption,

Recognizing the importance of all forms of the media, including the printed media, radio, television and the Internet, in the exercise, promotion and protection of the right to freedom of opinion and expression,

Recalling that the exercise of the right to freedom of expression carries with it special duties and responsibilities, in accordance with article 19 (3) of the International Covenant on Civil and Political Rights,

Recalling also that States should encourage free, responsible and mutually respectful dialogue,

1. *Reaffirms* the rights contained in the International Covenant on Civil and Political Rights, in particular the right of everyone to hold opinions without interference, as well as the right to freedom of expression, including the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art or through any other media of their choice, and the intrinsically linked rights to freedom of thought, conscience and religion, peaceful assembly and association and the right to take part in the conduct of public affairs;

2. *Takes note* of the report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (A/HRC/11/4), as well as his presentation and the interactive dialogue thereon at its eleventh session;

3. *Expresses* its continuing concern that:

(*a*) Violations of the rights referred to in paragraph 1 above continue to occur, often with impunity, including extrajudicial killing, arbitrary detention, torture, intimidation, persecution and harassment, threats and acts of violence and of discrimination, including gender-based violence and discrimination, increased abuse of legal provisions on defamation and criminal libel as well as on surveillance, search and seizure, and censorship against persons who exercise, seek to promote or defend these rights, including journalists, writers and other media workers, Internet users and human rights defenders;

(*b*) These above-mentioned violations are facilitated and aggravated by the abuse of states of emergency;

(*c*) Threats and acts of violence, including killings, attacks and terrorist acts, particularly directed against journalists and other media workers in situations of armed conflict, have increased and are not adequately punished, in particular in those circumstances where public authorities are involved in committing those acts;

(*d*) High rates of illiteracy continue to exist in the world, especially among women, and reaffirms that full and equal access to education for girls and boys, women and men, is crucial for the full enjoyment of the right to freedom of opinion and expression;

(*e*) Media concentration is a growing phenomenon in the world and can limit a plurality of views;

4. *Also expresses* its concern that incidents of racial and religious intolerance, discrimination and related violence, as well as of negative racial and religious stereotyping continue to rise around the world, and condemns, in this context, any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, and urges States to take effective measures, consistent with their obligations under international human rights law, to address and combat such incidents;

5. *Calls upon* all States:

(*a*) To respect and ensure the respect for the rights referred to in paragraph 1 above;

(*b*) To take all necessary measures to put an end to violations of these rights and to create the conditions to prevent such violations, including by ensuring that relevant national legislation complies with their international human rights obligations and is effectively implemented;

(*c*) To ensure that victims of violations of the rights referred to in paragraph 1 above have an effective remedy, to investigate effectively threats and acts of violence, including terrorist acts, against journalists, including in situations of armed conflict, and to bring to justice those responsible in order to combat impunity;

(*d*) To ensure that persons exercising the above-mentioned rights are not discriminated against, particularly in employment, housing, the justice system, social services and education, with particular attention to women;

(*e*) To facilitate the full, equal and effective participation and free communication of women at all levels of decision-making in their societies and in national, regional and international institutions, including in mechanisms for the prevention, management and resolution of conflicts;

(*f*) To enable children to exercise their right to express their views freely, including through school curricula that encourage the development of and respect for different opinions, and to have their views taken into account in all matters affecting them, the views of the child being given due weight in accordance with the age and maturity of the child;

(*g*) To respect freedom of expression in the media and broadcasting, in particular the editorial independence of the media;

(*h*) To promote a pluralistic approach to information and multiple points of view by encouraging a diversity of ownership of media and of sources of information, including mass media, through, inter alia, transparent licensing systems and effective regulations on undue concentration of ownership of the media in the private sector;

(*i*) To create and permit an enabling environment in which training and professional development of the media can be organized in order to promote and protect the right to freedom of opinion and expression and can be carried out without threat of legal, criminal or administrative sanction by the State;

(*j*) Consistent with their human rights law obligations, to refrain from the use of imprisonment or the imposition of fines for offences relating to the media, which are disproportionate to the gravity of the offence;

(*k*) To adopt and implement policies and programmes that aim to effectively raise awareness of, and disseminate information and education on, prevention and treatment of HIV/AIDS and other diseases through effective and equal access to information and all appropriate means, including through the media and availability of information and communication technologies, and targeted at specific vulnerable groups;

(*l*) To adopt and implement laws and policies that provide for a general right of public access to information held by public authorities, which may be restricted only in accordance with article 19 of the International Covenant on Civil and Political Rights;

(*m*) To facilitate equal participation in, access to and use of information and communications technology, such as the Internet, applying a gender perspective, and to encourage international cooperation aimed at the development of media and information and communication facilities in all countries;

(*n*) To review their procedures, practices and legislation, as necessary, with a view to ensure the full and effective implementation of all their obligations under international human rights law, including to ensure that any limitations on the right to freedom of opinion and expression are only such as are provided by law and are necessary for the respect of the rights and reputations of others, or for the protection of national security or of public order (*ordre public*) or of public health or morals;

(*o*) To refrain from using counter-terrorism as a pretext to restrict the right to freedom of opinion and expression in ways that are contrary to their obligations under international law;

(*p*) While noting that article 19, paragraph 3, of the International Covenant on Civil and Political Rights provides that the exercise of the right to freedom of opinion and expression carries with it special duties and responsibilities, to refrain from imposing restrictions that are not consistent with paragraph 3 of that article, including on:

(i) Discussion of government policies and political debate; reporting on human rights, government activities and corruption in government; engaging in election campaigns, peaceful demonstrations or political activities, including for peace or democracy; and expression of opinion and dissent, religion or belief, including by persons belonging to minorities or vulnerable groups;

(ii) The free flow of information and ideas, including practices such as the banning or closing of publications or other media and the abuse of administrative measures and censorship;

(iii) Access to or use of information and communication technologies, including radio, television and the Internet;

6. *Stresses* that condemning and addressing, in accordance with their obligations under international human rights law, including those regarding equal protection of the law, any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence is an important safeguard to ensure the enjoyment of human rights and fundamental freedoms of all, including persons belonging to minorities;

7. *Calls on* all parties to armed conflict to respect international humanitarian law, including their obligations under the Geneva Conventions of 12 August 1949 and, where applicable, the Additional Protocols thereto of 8 June 1977, the provisions of which extend protection to journalists in situations of armed conflict, and to allow, within the framework of applicable rules and procedures, media access and coverage, as appropriate, in situations of international and non-international armed conflict;

8. *Recognizes* the moral and social responsibilities of the media and the importance that the media's elaboration of voluntary codes of professional ethical conduct can play in combating racism, racial discrimination, xenophobia and related intolerance;

9. *Also recognizes* the positive contribution that the exercise of the right to freedom of expression, particularly by the media, including through information and communication technologies such as the Internet, and full respect for the freedom to seek, receive and impart information can make to the fight against racism, racial discrimination, xenophobia and related intolerance and to preventing human rights abuses, but expresses regret at the promotion by certain media of false images and negative stereotypes of vulnerable individuals or groups of individuals, and at the use of information and communication technologies such as the Internet for purposes contrary to respect for human rights, in particular the perpetration of violence against and exploitation and abuse of women and children, and disseminating racist and xenophobic discourse or content;

10. *Reaffirms* the positive role that the exercise of the right to freedom of opinion and expression and the full respect for the freedom to seek, receive and impart information can play in strengthening democracy, combating racism, racial discrimination, xenophobia and related intolerance, in line with relevant provisions of international human rights law;

11. *Recognizes* that the open public debate of ideas, as well as interfaith and intercultural dialogue at the local, national, and international levels, can be among the best protections against

racism, racial discrimination, xenophobia and related intolerance, and can play a positive role in strengthening democracy and combating national, racial or religious hatred;

12. *Invites* the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, within the framework of his mandate, to carry out his activities in accordance with its resolution 7/36 and all relevant Council resolutions and decisions, in particular his cooperation with other mechanisms and human rights treaty bodies and organizations, including regional organizations and non-governmental organizations;

13. *Appeals* to all States to cooperate fully with and assist the Special Rapporteur in the performance of his tasks, as contained in its resolution 7/36, to provide all necessary information requested by him and to consider favourably his requests for visits and for implementing his recommendations;

14. *Invites once again* the United Nations High Commissioner for Human Rights, the working groups, representatives and special rapporteurs of the Council and human rights treaty bodies to pay attention, within the framework of their mandates, to the situation of persons whose right to freedom of opinion and expression has been violated;

15. *Reminds* States of the possibility of seeking technical assistance if needed, including from the Office of the High Commissioner, to better promote and protect the right to freedom of opinion and expression;

16. *Requests* the Secretary-General to provide the assistance necessary to the Special Rapporteur to fulfil his mandate as contained in its resolution 7/36 effectively, in particular by placing adequate human and material resources at his disposal;

17. *Requests* the Special Rapporteur to submit an annual report to the Council and the General Assembly on the activities relating to his mandate;

18. *Decides* to continue its consideration of the issue of the right to freedom of opinion and expression in accordance with its programme of work.

31st meeting
2 October 2009

[Adopted without a vote.]

12/17. Elimination of discrimination against women

The Human Rights Council,

Guided by the Charter of the United Nations, its Purposes and Principles,

Guided also by the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the International Convention on the Elimination of All Forms of Racial Discrimination,

Recalling the Vienna Declaration and Programme of Action, adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), the Beijing Declaration and Platform for Action, adopted in September 1995 by the Fourth World Conference on Women (A/CONF.177/20/Rev.1, chap. I), and the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance,

Bearing in mind the challenges still faced by all countries throughout the world to overcome inequality between men and women,

Recalling the outcome of the twenty-third special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century", the declaration adopted by the Commission on the Status of Women at its forty-ninth session and the outcome document of the Durban Review Conference,

Recalling also Commission on Human Rights resolutions 2000/13 of 17 April 2000, 2001/34 of 23 April 2001 and 2003/22 of 22 April 2003, as well as Council resolution 6/30 of 14 December 2007 on integrating the human rights of women throughout the United Nations system,

Bearing in mind that international human rights treaties, including the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights prohibit discrimination on the basis of gender and include guarantees to ensure the equality of women and men, girls and boys, in the enjoyment of their civil, political, economic, social and cultural rights,

Recognizing that women face multiple forms of discrimination,

Reiterating the need to intensify efforts to eliminate all forms of discrimination against women throughout the world,

Recognizing that the full and equal participation of women in all spheres of life is essential for the full and complete economic and social development of a country,

Mindful of the fact that the elimination of discrimination against women requires the consideration of women's specific socio-economic context, and recognizing that laws, policies, customs and traditions that restrict women's equal access to participate fully in development processes and public and political life are discriminatory and may contribute to the feminization of poverty,

1. *Reaffirms* the obligation of States to take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

2. *Welcomes* the commitments made by the international community to implement fully the Millennium Development Goals and stressing, in that context, the resolve of Heads of State

to promote gender equality and the empowerment of women as effective ways to combat poverty, hunger and disease and to stimulate development that is truly sustainable;

3. *Also welcomes* the efforts made by States around the world to reform their legal systems in order to remove obstacles to women's full and effective enjoyment of their human rights;

4. *Expresses concern* at the fact that, despite the pledge made at the Beijing World Conference on Women and the review by the General Assembly at its twenty-third special session to modify or abolish remaining laws that discriminate against women and girls, many of those laws are still in force and continue to be applied, thereby preventing women and girls from enjoying the full realization of their human rights;

5. *Calls upon* States to fulfil their international obligations and commitments to revoke any remaining laws that discriminate on the basis of sex and remove gender bias in the administration of justice, taking into account that those laws violate their human right to be protected against discrimination;

6. *Recognizes* that women's inequality before the law has resulted in the lack of equal opportunities for women in education, access to health, economic participation, access to labour and disparities in salaries and compensation, public and political participation, access to decision-making processes, inheritance, ownership of land, financial services, including loans, and nationality and legal capacity, among others, as well as increased vulnerability to discrimination and violence, and that all countries face challenges in these areas;

7. *Acknowledges* the work undertaken by the Commission on the Status of Women, the Committee on the Elimination of all Forms of Discrimination against Women, the special rapporteurs of the Council on violence against women, its causes and consequences, and trafficking of persons, including women and children, contemporary forms of slavery, and other relevant United Nations bodies, agencies and mechanisms to eliminate discrimination in law and practice throughout the world;

8. *Emphasizes* the significant role that women play in economic development and in the eradication of poverty, stresses the need to promote equal pay for equal work or work of equal value and for promoting the recognition of the value of women's unremunerated work, as well as for developing and promoting policies that facilitate the reconciliation of employment and family responsibilities;

9. *Calls on* States to ensure full representation and full equal participation of women in political, social and economic decision-making as an essential condition for gender equality and the empowerment of women and girls as a critical factor in the eradication of poverty;

10. *Welcomes* particularly the work undertaken by the Committee on the Elimination of All Forms of Discrimination against Women on women's equality before the law;

11. *Recognizes* the important role played by the Council in addressing the issue of discrimination against women, in both law and practice;

12. *Welcomes* the convening of a panel on equality before the law during the eleventh session of the Council;

13. *Notes* that, although human rights treaty bodies and special procedures do, to some extent, address discrimination against women within their mandates, their attention to such discrimination is not systematic;

14. *Also notes* the work undertaken by the Office of the United Nations High Commissioner for Human Rights on the issue;

15. *Requests* the High Commissioner to prepare a thematic study on discrimination against women, in law and practice, and on how the issue is addressed throughout the United Nations human rights system, in consultation with States, relevant United Nations bodies and mechanisms and agencies, including the Committee on Elimination of All Forms of Discrimination against Women, the agencies within the United Nations composite entity on gender equality and empowerment of women and all other relevant stakeholders, taking into account the efforts made in this regard, particularly by the Commission on the Status of Women;

16. *Decides* to address the above-requested thematic study at its fifteenth session, and to hold a half-day discussion on the issue in order to consider taking further possible action on discrimination against women at that session.

31st meeting
2 October 2009

[Adopted without a vote.]

12/18. The adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and the Vienna Declaration and Programme of Action, particularly with regard to the question of the enjoyment of all human rights, including civil, political, economic, social and cultural rights and the right to development,

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

Recalling all Commission on Human Rights and Council resolutions on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, in particular Commission resolutions 1995/81 of 8 March 1995, 2004/17 of 16 April 2004, 2005/15 of 14 April 2005 and Council resolution 9/1 of 24 September 2008,

Affirming that the transboundary and national movement and dumping of toxic and dangerous products and wastes may constitute a serious threat to the enjoyment of all human rights, including civil, political, economic, social and cultural rights and the right to development,

Reiterating the fact that all human rights are universal, indivisible, interdependent and interrelated,

Reaffirming that the international community must treat all human rights in a fair and equal manner, on the same footing and with the same emphasis,

Recalling Council resolutions 5/1, on institution-building of the Council, and 5/2, on the code of conduct for special procedures mandate holders of the Council, both of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

1. *Strongly condemns* the movement and dumping of toxic and dangerous products and wastes, which have a negative impact on the enjoyment of human rights;

2. *Acknowledges with appreciation* the work undertaken by the Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights;

3. *Notes* the report of the Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights (A/HRC/12/26) on the adverse effects of shipbreaking on the enjoyment of human rights;

4. *Takes note with appreciation* of the report of the Special Rapporteur on his visits to Côte d'Ivoire, from 4 to 8 August 2008, and to the Netherlands, from 26 to 28 November 2008 (A/HRC/12/26/Add.2), and of the recommendations contained therein;

5. *Decides* to hold a panel discussion on the matter at its thirteenth session, with equitable geographic and gender participation of relevant experts and representatives of civil society, with a view to inform the future work of the Special Rapporteur;

6. *Invites* the above-mentioned panel:

(*a*) To undertake comprehensive discussion on existing problems, new trends and solutions to the national and transboundary movement and dumping of toxic and dangerous products and wastes, which have a negative impact on the enjoyment of human rights, in particular in developing countries;

(*b*) To examine the impact of the movement and dumping of toxic and dangerous products and wastes in all countries, in particular developing countries, on the enjoyment of all human rights, including civil, political, economic, social and cultural rights and the right to development;

(*c*) To discuss the current trends, good practices, challenges and possible solutions in this area with regard to human rights, and to consider possible measures to reduce and eradicate the negative impact of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights;

7. *Requests* the Office of the United Nations High Commissioner for Human Rights to provide the necessary assistance and support for the panel discussion to be held, within existing resources.

31st meeting
2 October 2009

[Adopted without a vote.]

12/19. Draft guiding principles on extreme poverty and human rights

The Human Rights Council,

Stressing that respect for all human rights, which are universal, indivisible, interdependent and interrelated, is of crucial importance for all policies and programmes to fight extreme poverty at the local and national levels,

Taking note of the draft guiding principles on extreme poverty and human rights, annexed to resolution 2006/9 adopted by the Subcommission for the Promotion and Protection of Human Rights on 24 August 2006,

Recalling its resolutions 2/2 of 27 November 2006 and 7/27 of 28 March 2008, as well as its resolution 8/11 of 18 June 2008, in which it extended the mandate of the independent expert on the question of human rights and extreme poverty,

Noting the seminar held in Geneva on 27 and 28 January 2009 on the draft guiding principles on extreme poverty and human rights,

1. *Takes note* of the report of the United Nations High Commissioner for Human Rights on the draft guiding principles on extreme poverty and human rights (A/HRC/11/32), revealing a widespread commitment to advancing the project of elaborating guiding principles on extreme poverty and human rights;

2. *Invites* the independent expert on the question of human rights and extreme poverty:

(*a*) To pursue further work on the draft guiding principles on extreme poverty and human rights with a view to integrate the contributions of Member States and other relevant stakeholders, as well as the results of the consultations undertaken by the Office of the High Commissioner in 2007 and 2008 and the conclusions of the seminar held in Geneva on 27 and 28 January 2009;

(*b*) To consult Member States further, including through relevant regional organizations, and other relevant stakeholders in the course of this process;

(*c*) To submit a progress report presenting her recommendations on how to improve the draft guiding principles on extreme poverty and human rights to the Council no later than its fifteenth session, to allow the Council to take a decision on the way forward with a view to a possible adoption of guiding principles on the rights of persons living in extreme poverty by 2012;

3. *Requests* the Office of the High Commissioner to provide the independent expert with the necessary support to allow her to implement this mandate.

31st meeting
2 October 2009

[Adopted without a vote.]

12/20. Aung San Suu Kyi and other political prisoners in Myanmar

The Human Rights Council,

1. *Expresses* grave concern at the recent conviction and sentencing of Daw Aung San Suu Kyi, and calls for her immediate and unconditional release;

2. *Calls upon* the Government of Myanmar:

(*a*) To release all political prisoners immediately and unconditionally, enabling them to participate fully in the 2010 elections;

(*b*) To engage in a genuine process of open dialogue and national reconciliation with the full participation of representatives of all political parties and ethnic groups;

(*c*) To create, through the above-mentioned and other national measures, the conditions for inclusive, transparent and credible democratic elections, in accordance with international standards.

31st meeting
2 October 2009

[Adopted without a vote.]

12/21. Promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind

The Human Rights Council,

Guided by the purposes and principles set forth in the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights and that everyone is entitled to the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Guided by the Vienna Declaration and Programme of Action, which reaffirms, inter alia, the solemn commitment of all States to fulfil their obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all in accordance with the Charter, other instruments relating to human rights, and international law, and that the universal nature of these rights is beyond question,

Reiterating that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing, and that all human rights must be treated in a fair and equal manner, on the same footing and with the same emphasis, and that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, all States, regardless of their political, economic and cultural systems, have the duty to promote and protect all human rights and fundamental freedoms,

Recognizing that all cultures and civilizations in their traditions, customs, religions and beliefs share a common set of values that belong to humankind in its entirety, and that those values have made an important contribution to the development of human rights norms and standards,

1. *Requests* the United Nations High Commissioner for Human Rights to convene, in 2010, a workshop for an exchange of views on how a better understanding of traditional values of humankind underpinning international human rights norms and standards can contribute to the promotion and protection of human rights and fundamental freedoms, with the participation of representatives from all interested States, regional organizations, national human rights institutions and civil society, as well as experts selected with due consideration given to the appropriate representation of different civilizations and legal systems;

2. *Requests* the Office of the High Commissioner to present to the Council a summary of the discussions held at the workshop in conformity with the programme of work of the Council.

31st meeting
2 October 2009

[Adopted by a recorded vote of 26 to 15, with 6 abstentions. The voting was as follows:

In favour: Angola, Bahrain, Bangladesh, Bolivia (Plurinational State of), Burkina Faso, Cameroon, China, Cuba, Djibouti, Egypt, Gabon, India, Indonesia, Jordan, Kyrgyzstan, Madagascar, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Zambia;

Against: Belgium, Chile, France, Hungary, Italy, Japan, Mauritius, Mexico, Netherlands, Norway, Republic of Korea, Slovakia, Slovenia, United Kingdom of Great Britain and Northern Ireland, United States of America;

Abstaining: Argentina, Bosnia and Herzegovina, Brazil, Ghana, Ukraine, Uruguay.]

12/22. Human rights and unilateral coercive measures

The Human Rights Council,

Recalling the purposes and principles of the Charter of the United Nations,

Recalling also all previous resolutions on human rights and unilateral coercive measures adopted by the Commission on Human Rights, the Council and the General Assembly,

Reaffirming its resolution 9/4 of 17 September 2008 and General Assembly resolution 63/179 of 18 December 2008,

Taking note of the report of the Secretary-General on this issue (A/HRC/12/30),

Stressing that unilateral coercive measures and legislation are contrary to international law, international humanitarian law, the Charter and the norms and principles governing peaceful relations among States,

Recognizing the universal, indivisible, interdependent and interrelated character of all human rights and, in this regard, reaffirming the right to development as a universal and inalienable right and an integral part of all human rights,

Expressing its concern at the negative impact of unilateral coercive measures on human rights, development, international relations, trade, investment and cooperation,

Recalling the final document of the fifteenth summit of the Heads of State and Government of the Non-Aligned Movement, held in Sharm El-Sheikh, Egypt, in July 2009, in which the States Members of the Movement decided to oppose unilateralism and unilaterally-imposed measures by certain States, which can lead to the erosion and violation of the Charter and international law, the use and threat of use of force, and pressure and coercive measures, as a means to achieving their national policy objectives, and to support, in accordance with international law, the claim of affected States, including targeted States, to compensation for damage incurred as a consequence of the implementation of extraterritorial or unilateral coercive measures or laws,

Recalling also that the World Conference on Human Rights, held in Vienna from 14 to 25 June 1993, called upon States to refrain from any unilateral measure not in accordance with international law and the Charter and that created obstacles to trade relations among States and impeded the full realization of all human rights, and that also severely threatened the freedom of trade,

Deeply concerned that, despite the resolutions adopted on this issue by the General Assembly, the Council, the Commission on Human Rights and at United Nations conferences held in the 1990s and at their five-year reviews, and contrary to norms of international law and the Charter, unilateral coercive measures continue to be promulgated, implemented and enforced by, inter alia, resorting to war and militarism, with all their negative implications for the social-humanitarian activities and economic and social development of developing countries, including their extraterritorial effects, thereby creating additional obstacles to the full enjoyment of all human rights by peoples and individuals under the jurisdiction of other States, *Reaffirming* that unilateral coercive measures are a major obstacle to the implementation of the Declaration on the Right to Development,

Recalling article 1, paragraph 2, common to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, which provides that, inter alia, in no case may a people be deprived of its own means of subsistence,

1. *Calls upon* all States to stop adopting or implementing unilateral coercive measures not in accordance with international law, international humanitarian law, the Charter of the United Nations and the norms and principles governing peaceful relations among States, in particular those of a coercive nature with extraterritorial effects, which create obstacles to trade relations among States, thus impeding the full realization of the rights set forth in the Universal Declaration of Human Rights and other international human rights instruments, in particular the right of individuals and peoples to development;

2. *Strongly objects* to the extraterritorial nature of those measures which, in addition, threaten the sovereignty of States and, in this context, calls upon all Member States neither to recognize these measures nor to apply them, and to take effective administrative or legislative measures, as appropriate, to counteract the extraterritorial application or effects of unilateral coercive measures;

3. *Condemns* the continued unilateral application and enforcement by certain powers of such measures as tools of political or economic pressure against any country, particularly against developing countries, with a view to preventing these countries from exercising their right to decide, of their own free will, their own political, economic and social systems;

4. *Reiterates* its call upon Member States that have initiated such measures to abide by the principles of international law, the Charter, the declarations of the United Nations and world conferences and relevant resolutions, and to commit themselves to their obligations and responsibilities arising from the international human rights instruments to which they are parties by putting an immediate end to such measures;

5. *Reaffirms*, in this context, the right of all peoples to self-determination, by virtue of which they freely determine their political status and freely pursue their own economic, social and cultural development;

6. *Also reaffirms* its opposition to any attempt aimed at the partial or total disruption of the national unity and territorial integrity of a State, which is incompatible with the Charter;

7. *Recalls* that, according to the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, and to the relevant principles and provisions contained in the Charter of Economic Rights and Duties of States, proclaimed by the General Assembly in its resolution 3281 (XXIX) of 12 December 1974, in particular article 32 thereof, no State may use or encourage the use of economic, political or any other type of measure to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind;

8. *Reaffirms* that essential goods, such as food and medicines, should not be used as tools for political coercion and that under no circumstances should people be deprived of their own means of subsistence and development;

9. *Underlines* the fact that unilateral coercive measures are one of the major obstacles to the implementation of the Declaration on the Right to Development and, in this regard, calls upon all States to avoid the unilateral imposition of economic coercive measures and the extraterritorial application of domestic laws that run counter to the principles of free trade and hamper the development of developing countries;

10 *Rejects* all attempts to introduce unilateral coercive measures, as well as the increasing trend in this direction, including through the enactment of laws with extraterritorial application, which are not in conformity with international law;

11. *Recognizes* that the Declaration of Principles adopted at the first phase of the World Summit on the Information Society, held in Geneva in December 2003, strongly urges States to avoid and refrain from any unilateral measure in building the information society;

12. *Invites* all special rapporteurs and existing thematic mechanisms of the Council in the field of economic, social and cultural rights to pay due attention, within the scope of their respective mandates, to the negative impact and consequences of unilateral coercive measures;

13. *Decides* to give due consideration to the negative impact of unilateral coercive measures in its task concerning the implementation of the right to development;

14. *Requests* the United Nations High Commissioner for Human Rights, in discharging her functions in relation to the promotion and protection of human rights, to pay due attention and give urgent consideration to the present resolution;

15. *Requests* the Secretary-General to submit to the Council, at its fifteenth session, an analytical report on the impact of unilateral coercive measures on the enjoyment of human rights;

16. *Decides* to examine this question in accordance with its annual programme of work under the same agenda item.

32nd meeting
2 October 2009

[Adopted by a recorded vote of 32 to 14. The voting was as follows:

In favour: Angola, Argentina, Bahrain, Bangladesh, Bolivia (Plurinational State of), Brazil, Burkina Faso, Cameroon, Chile, China, Cuba, Djibouti, Egypt, Gabon, Ghana, India, Indonesia, Jordan, Kyrgyzstan, Madagascar, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Uruguay;

Against: Belgium, Bosnia and Herzegovina, France, Hungary, Italy, Japan, Netherlands, Norway, Republic of Korea, Slovakia, Slovenia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.]

12/23. The right to development

The Human Rights Council,

Recalling the Charter of the United Nations and the core human rights instruments,

Reaffirming the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986,

Reaffirming also its resolutions 4/4 of 30 March 2007 and 9/3 of 17 September 2008, and recalling all Commission on Human Rights, Council and General Assembly resolutions on the right to development,

Emphasizing the urgent need to make the right to development a reality for everyone,

Stressing the primary responsibility of States for the creation of national and international conditions favourable to the realization of the right to development,

Taking note of the efforts under way in the framework of the Working Group on the Right to Development, with the support of the high-level task force on the implementation of the right to development, to develop a set of right to development criteria and corresponding operational subcriteria,

1. *Welcomes* the report of the Working Group on the Right to Development (A/HRC/12/28);

2. *Decides*:

(*a*) To continue to act to ensure that its agenda promotes and advances sustainable development and the achievements of the Millennium Development Goals and, in this regard, to lead to raising the right to development, as set out in paragraphs 5 and 10 of the Vienna Declaration and Programme of Action, to the same level and on a par with all other human rights and fundamental freedoms;

(*b*) To endorse the recommendations of the Working Group, as outlined in paragraphs 44 to 46 of its report, which would ensure that the right to development criteria and corresponding operational subcriteria, to be submitted by the task force to the Working Group at its eleventh session in 2010, together with suggestions for further work, address, in a comprehensive and coherent manner, the essential features of the right to development, as defined in the Declaration on the Right to Development, and including the priority concerns of the international community beyond those enumerated in Millennium Development Goal 8;

(*c*) That, once considered, revised and endorsed by the Working Group, the above-mentioned criteria and corresponding operational subcriteria should be used, as appropriate, in the elaboration of a comprehensive and coherent set of standards for the implementation of the right to development;

(*d*) That, upon completion of the three phases of the 2008-2010 workplan of the high-level task force on the implementation of the right to development, endorsed by the Council in its resolution 9/3, the Working Group will take appropriate steps to ensure respect for and practical application of the above-mentioned standards, which could take various forms, including guidelines on the implementation of the right to development, and evolve into a basis for consideration of an international legal standard of a binding nature, through a collaborative process of engagement;

(*e*) To request the Office of the United Nations High Commissioner for Human Rights to continue to take all necessary measures and to allocate adequate resources for the effective implementation of the present resolution, taking into account the needs for the effective implementation of the recommendations of the Working Group referred to in paragraph 2 (b) above;

3. *Also decides* to review the progress of the implementation of the present resolution as a matter of priority at its future sessions.

32nd meeting
2 October 2009

[Adopted by a recorded vote of 33 to 0, with 14 abstentions. The voting was as follows:

In favour: Angola, Argentina, Bahrain, Bangladesh, Bolivia (Plurinational State of), Brazil, Burkina Faso, Cameroon, Chile, China, Cuba, Djibouti, Egypt, Gabon, Ghana, India, Indonesia, Jordan, Kyrgyzstan, Madagascar, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Uruguay, Zambia;

Abstaining: Belgium, Bosnia and Herzegovina, France, Hungary, Italy, Japan, Netherlands, Norway, Republic of Korea, Slovakia, Slovenia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.]

12/24. Access to medicine in the context of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

The Human Rights Council,

Reaffirming the Universal Declaration of Human Rights and recalling the International Covenant on Economic, Social and Cultural Rights,

Recalling Commission on Human Rights resolutions 2001/33 of 23 April 2001, 2002/31 and 2002/32 of 22 April 2002, 2003/28 of 22 April 2003, 2004/27 of 16 April 2004 and 2005/24 of 15 April 2005, and that the right of everyone to the enjoyment of the highest attainable standard of physical and mental health is a human right that derives from the inherent dignity of the human person,

Emphasizing the development goals of the United Nations Millennium Declaration, in particular the four health-related development goals,

Noting with concern that, for millions of people throughout the world, the full enjoyment of the right to the highest attainable standard of physical and mental health remains a distant goal and that, in many cases, especially for those living in poverty, this goal is becoming increasingly remote, *Recalling* the Declaration on the Right to Development, which establishes that States should take, at the national level, all necessary measures for the realization of the right to development and should ensure, inter alia, equality of opportunity for all in their access to basic resources, such as health services,

Recalling also its resolution 6/29 of 14 December 2007, in which the Council extended the mandate of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,

Recalling further Council resolution S-10/1 of 23 February 2009, and reiterating its concern that financial and economic crises are having a negative impact on the ability of States to provide social services, such as health,

Regretting the high number of people still without access to medicines, and underscoring that improving access to medicine could save millions of lives every year,

1. *Recognizes* that access to medicine is one of the fundamental elements in achieving progressively the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

2. *Stresses* the responsibility of States to ensure access to all, without discrimination, of medicines, in particular essential medicines, that are affordable, safe, effective and of good quality;

3. *Calls upon* States, at the international level, to take steps, individually and/or through international cooperation, in accordance with applicable international law, including international agreements, to ensure that their actions as members of international organizations take into due account the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, and that the application of international agreements is supportive of public health policies that promote broad access to safe, effective and affordable medicines;

4. *Recognizes* that the Doha Ministerial Declaration on the Agreement on Trade-Related Aspects of Intellectual Property Rights and Public Health confirms that the Agreement does not and should not prevent States Members of the World Trade Organization from taking measures to protect public health and that the Declaration, while reiterating the commitment to the Agreement, affirms that it can and should be interpreted and implemented in a manner supportive of the rights of States Members of the World Trade Organization to protect public health and, in particular, to promote access to medicines for all; and further recognizes, in this connection, the right of States Members of the World Trade Organization to use, to the full, the provisions of the above-mentioned Agreement, which provide flexibility for this purpose;

5. *Also recognizes* that intellectual property protection is important for the development of new medicines, as well as the concerns about its effects on prices;

6. *Encourages* all States to apply measures and procedures for enforcing intellectual property rights in such a manner as to avoid creating barriers to the legitimate trade of medicines, and to provide for safeguards against the abuse of such measures and procedures;

7. *Invites* the Office of the United Nations High Commissioner for Human Rights to convene an expert consultation, within existing resources, open to the participation of Governments, regional and international organizations, relevant United Nations bodies and civil society organizations, for an exchange of views on human rights considerations relating to the realization of access to medicines as one of the fundamental elements in achieving progressively the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, and invites the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health to present a summary of the discussions held during the expert consultation to the Council;

8. *Encourages* the Special Rapporteur to integrate, within his existing mandate, the human rights dimensions of access to medicines;

9. *Also encourages* all States to consider including in their national reports, to be submitted to the universal periodic review mechanism, information on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, particularly on measures taken to promote access to medicines;

10. *Decides* to remain seized of this matter.

31st meeting
2 October 2009

[Adopted without a vote.]

12/25. Advisory services and technical assistance for Cambodia

The Human Rights Council,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as enshrined in the Charter of the United Nations, as reaffirmed in the Universal Declaration of Human Rights, and in accordance with their respective obligations under the International Covenants on Human Rights and other applicable human rights instruments,

Recalling General Assembly resolution 60/251 of 15 March 2006,

Recalling also Council resolutions 5/1, on institution-building of the Council, and 5/2 on a code of conduct for special procedures mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

Recalling further Council resolution 9/15 of 24 September 2008 and other relevant resolutions, *Bearing in mind* the report of the Secretary-General on the role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights (A/HRC/12/41),

Recognizing that the tragic history of Cambodia requires special measures to ensure the protection of human rights and the non-return to the policies and practices of the past, as stipulated in the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict, signed in Paris on 23 October 1991,

Taking note of the new developments in Cambodia, especially those associated with recent progress and efforts by the Government of Cambodia to promote and protect human rights, especially in the achievements and improvements of social, economic, political and cultural fields over recent years through its relevant national plans, strategies and frameworks,

I. Khmer Rouge Tribunal

1. *Reaffirms* the importance of the Extraordinary Chambers in the Courts of Cambodia as an independent and impartial body, and believes it will significantly contribute to eradicating impunity and establishing the rule of law by, inter alia, exploiting its potential as a model court of Cambodia;

2. *Welcomes* the progress made with regard to the Extraordinary Chambers in the Courts of Cambodia, including the substantive hearing concerning the accused Kaing Guek Eav, and supports the positions of the Government of Cambodia and the United Nations to proceed with the tribunal in a fair, efficient and expeditious manner, given the advanced age and frail health of the persons charged and the long overdue justice for the people of Cambodia;

3. *Also welcomes* the assistance of a number of States to the Extraordinary Chambers in the Courts of Cambodia and, noting the revised budget estimate endorsed on 17 July 2008, encourages the Government of Cambodia to work with the United Nations and the States providing assistance to ensure the highest standards of administration of the Extraordinary Chambers, and invites further assistance for the Extraordinary Chambers in a prompt manner in order to ensure its successful functioning;

II. Democracy and situation of human rights

4. *Welcomes*:

(*a*) The cooperation extended by the Government of Cambodia and the constructive dialogue with the Special Rapporteur during his first mission in Cambodia;

(*b*) The report of the Special Rapporteur on the situation of human rights in Cambodia (A/HRC/12/40) and the recommendations contained therein;

(*c*) The efforts and progress made by the Government of Cambodia in promoting legal and judicial reform under the leadership of the Council of Legal and Judicial Reform, including adopting and/or enforcing basic laws, such as the civil procedure code, the criminal procedure code and the civil code, as well as the approval of the criminal code at the Council of Ministers;

(*d*) The efforts made by the Government of Cambodia in combating corruption, including the completion of the drafting of an anti-corruption law and efforts to bring corrupt officials to justice, as well as its efforts in stopping political appointments to posts in public administration based upon the allocation of political parties;

(*e*) The efforts made by the Government of Cambodia in combating trafficking in persons, including the enforcement of the law on the suppression of human trafficking and commercial sexual exploitation;

(*f*) The efforts made by the Government of Cambodia to resolve land issues through the implementation of land reform;

(*g*) The commitments made by the Government of Cambodia to adhere to and implement its obligations under the international human rights conventions, inter alia, the commitment made by Prime Minister Samdech Hun Sen on the occasion of the opening of the eighth informal Asia-Europe Meeting seminar on human rights, held in Siem Reap in September 2007, which included reference to the planned establishment of a national human rights institution;

(*h*) The efforts made by the Cambodian Human Rights Committee, especially in resolving complaints from people, improving the situation of prisons and intervening in prolonged pretrial detentions;

(*i*) The efforts made by the Government of Cambodia to adhere to its obligations under international human rights treaties, including the submission of its reports to the Committee on the Elimination of Racial Discrimination and the Committee on the Rights of the Child in February 2009, as well as to the Committee on Economic, Social, and Cultural Rights in May 2009;

(*j*) The efforts and progress made by the Government of Cambodia in promoting decentralization and deconcentration reform with the aim of achieving democratic development by strengthening subnational and grass-roots institutions, including the local elections at provincial/municipal and district/*sangkat* levels, held in May 2009, which demonstrated the continued development of the democratic process in Cambodia, while recognizing the need to strengthen further the enforcement capacity of the national election committee;

(*k*) The approval of the National Disability Law by the National Assembly in May 2009, and the approval of a sub-decree on procedures for the registration of the land of indigenous minority communities and a policy on the development of indigenous minorities by the Council of Ministers in April 2009;

5. *Expresses its concern* about some areas of human rights practices in Cambodia, and urges the Government of Cambodia:

(*a*) To continue to strengthen its efforts to establish the rule of law, including through the adoption and implementation of essential laws and codes for establishing a democratic society, and its efforts at judicial reform, especially to ensure the independence, impartiality, transparency and effectiveness of the judicial system as a whole;

(*b*) To enhance its efforts to combat corruption, including by the early enactment of an anti-corruption law and its implementation;

(*c*) To continue to address, as a matter of priority, inter alia, the problem of impunity, and to enhance its efforts to investigate urgently and to prosecute, in accordance with due process of law and its obligations under international human rights treaties, all those who have perpetrated serious crimes, including violations of human rights;

(*d*) To enhance its efforts to resolve equitably and expeditiously land ownership issues in a fair and open manner, in accordance with the 2001 Land Law, by strengthening the implementation of the law through the development of national guidelines to clarify relevant procedures, as well as by strengthening the capacity and effectiveness of relevant institutions, such as the National Authority for Land-Dispute Resolution and cadastral committees at the national, provincial and district levels;

(*e*) To promote an environment conducive to the conduct of legitimate political activity and to support the role of non-governmental organizations and media in order to solidify democratic development in Cambodia;

(*f*) To make further efforts to improve human rights, especially those of women and children, and to make additional efforts, in concert with the international community, to combat key problems, such as human trafficking, issues related to poverty, sexual violence, domestic violence and the sexual exploitation of women and children;

(*g*) To take all steps to meet its obligations under international human rights treaties and to strengthen further its cooperation with United Nations agencies, including the Office of the United Nations High Commissioner for Human Rights, including through enhanced dialogue and the development of joint activities;

(*h*) To continue to promote the rights and dignity of all Cambodians by protecting civil and political rights, including freedom of opinion and expression, as well as economic, social and cultural rights, in accordance with the rule of law, through the continuous and enhanced implementation of the Rectangular Strategy and various reform programmes;

III. Conclusion

6. *Invites* the Secretary-General, agencies of the United Nations system present in Cambodia and the international community, including non-governmental organizations, to continue to work with the Government of Cambodia in improving democracy as well as ensuring the protection and promotion of the human rights of all people in Cambodia, including by providing assistance in, inter alia, the fields of:

(*a*) Drafting various laws necessary for protecting and promoting human rights and assisting the establishment of an independent national human rights institution;

(*b*) Capacity-building to strengthen legal institutions, including by improving the quality of judges, prosecutors, lawyers and court staff;

(*c*) Capacity-building to strengthen national institutions for criminal investigation and law enforcement, as well as providing the equipment necessary for these ends;

(*d*) Assisting the assessment of progress in human rights issues;

7. *Encourages* the Government of Cambodia and the international community to provide all necessary assistance to the Extraordinary Chambers in the Courts of Cambodia, which would help ensure the non-return to the policies and practices of the past, as envisioned by the 1991 Agreement on a Comprehensive Political Settlement of the Cambodia Conflict;

8. *Takes note* of the need to continue close consultations between the Government of Cambodia and the Special Rapporteur on the situation of human rights in Cambodia towards the further improvement of the situation of human rights in the country and of the continuous technical cooperation of the Office of the High Commissioner with the Government of Cambodia;

9. *Decides* to extend by one year the mandate of the special procedure on the situation of human rights in Cambodia, and requests the Special Rapporteur to report on the implementation of his mandate to the Council at its fifteenth session and to engage in a constructive manner with the Government of Cambodia for the further improvement of the situation of human rights in the country;

10. *Requests* the Secretary-General to report to the Council at its fifteenth session on the role and achievements of the Office of the High Commissioner in assisting the Government and the people of Cambodia in the promotion and protection of human rights;

11. *Decides* to continue its consideration of the situation of human rights in Cambodia at its fifteenth session.

31st meeting
2 October 2009

[Adopted without a vote.]

12/26. Assistance to Somalia in the field of human rights

The Human Rights Council,

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights,

Acknowledging that peace and security, development and human rights are the pillars of the United Nations system,

Reaffirming the sovereignty and territorial integrity of Somalia,

Recalling its previous resolutions on the human rights situations in Somalia, in particular resolution 10/32 of 27 March 2009,

Recalling also its resolutions 5/1 and 5/2 of 18 June 2007, *Emphasizing* that the Peace and Security Council of the African Union, in the communiqué of its 190th meeting, of 22 May 2009, condemned the repeated attacks against the Government and the civilian population in Mogadishu and other parts of Somalia, including by armed groups and foreign elements bent on undermining the peace and reconciliation process,

Welcoming the outcome of the pledging conference held in Brussels, on 22 and 23 April 2009, as it constitutes a sign of renewed commitment by the international community to support the long-term stabilization of Somalia and paving the way for its post-conflict reconstruction , as reflected in, inter alia, the declaration of the Council of the European Union on 27 July 2009,

Welcoming also the role played by the International Contact Group on Somalia,

Emphasizing the need for more coordination within the international community aimed at the socio-economic development and political stabilization of Somalia,

Reiterating that humanitarian, human rights and development assistance is of importance to alleviate poverty and to promote a more peaceful, equitable and democratic society in Somalia,

Convinced that the dire human rights and humanitarian situation in Somalia demands an urgent and tangible national response with international support that is commensurate with its gravity, and expressing support for the commitment of the Transitional Federal Government to improve the respect of human rights and international humanitarian law by legal provisions, law enforcement and activities to protect the civilian population,

Welcoming the commitment made by the Transitional Federal Government to ensure inclusiveness in the political process, as clearly shown by its constant endeavours to reach out to those who have hitherto remained outside the peace process and to work towards a broad-based political process on the premise of respect for human rights and international humanitarian law,

Welcoming also the decision taken by the Transitional Federal Government to nominate a human rights focal point with the objective of constituting a national human rights commission focusing on the safeguarding of all human rights in Somalia, the provision in the new Constitution of Puntland to create an independent human rights body; as well as subnational constitutions, such as those in Somaliland and Puntland, which are positive steps to enhance human rights protection in the areas,

Noting with concern that the security situation remains extremely fragile, in particular in the central and southern regions of Somalia,

Expressing its strongest condemnation against the brutal terrorist attack against the peacekeepers of the African Union Mission to Somalia and the security forces of the Transitional Federal Government on 17 September 2009, and conveying its deepest condolences to the families of the victims and to the Governments of Uganda, Burundi and Somalia as well as to the African Union,

Noting with concern the continuing threat of piracy, which adversely affects the delivery of humanitarian supplies and the safe passage of international maritime traffic, and stressing the need to tackle the root causes of piracy through a comprehensive approach for the development and the stabilization of Somalia,

Seriously alarmed at the deteriorating situation of refugees and internally displaced persons, as well as human trafficking,

1. *Welcomes* the continued commitment and efforts made by the African Union to support Somali-led efforts towards reconciliation, peace and security in its national territory, as reaffirmed by the Peace and Security Council in the communiqué of its 190th meeting, of 22 May 2009, as well as Assembly resolution of 3 July 2009 (AU/Dec.252/XIII, para. 16), and invites other regional organizations of which Somalia is a Member State, as well as the United Nations and the international community at large to further and concretely engage in order to support the ongoing stabilization efforts;

2. *Expresses* its deep concern at the human rights and humanitarian situation in Somalia and calls for an immediate end to all abuses;

3. *Also expresses* its deep concern at the repeated attacks against journalists, civil society activists and humanitarian workers, and calls on all parties to allow unhindered access of civilians and non-combatants, in particular women and children in need to humanitarian assistance;

4. *Further expresses* its deep concern at the deteriorating human rights and humanitarian conditions, and in particular at reports of indiscriminate attacks against civilians, and other criminal activities by armed groups, such as intimidation, abduction, summary executions and forced recruitment of children, particularly in certain parts of the country;

5. *Expresses* its deep concern at the plight of internally displaced people and refugees and at the vast scale of displacement as a direct consequence of the conflict and of violations of human rights and humanitarian law;

6. *Urges* all parties to refrain from all forms of violence against the civilian population and to actively prevent abuses of human rights, including the rights of persons belonging to social groups and minorities living in Somalia;

7. *Stresses* the need to implement technical assistance and institutional capacity-building programmes inside the country, in accordance with the Transitional Federal Government at the national and regional levels, including those noted in Council resolution 10/32, in order to, inter alia, support Somali-led efforts to identify the most appropriate mechanism for the prevention of and accountability for human rights abuses;

8. *Calls on* the Transitional Federal Government to fulfil its obligations under international human rights and humanitarian law and for the implementation of the relevant provisions of the Transitional Federal Charter relating to human rights;

9. *Welcomes* the work undertaken by the independent expert on the situation of human rights in Somalia and his report;

10. *Decides* to renew the mandate of the independent expert for a period of one year, with a view to maximizing the provision and flow of technical assistance to Somalia in the field

of human rights, in order to support the efforts of the Transitional Federal Government and regional authorities to ensure the respect of human rights and strengthen the human rights regime in its work to complete the outstanding task of the transitional mandate, and requests the independent expert to submit a report on the human rights situation in Somalia and on the status of implementation of technical cooperation inside Somalia to the Council at its thirteenth and fifteenth sessions;

11. *Invites* the independent expert to devote, in the fulfilment of his mandate, specific attention to, inter alia, building the effective capacity of the rule of law, the harmonization of laws, appropriate mechanisms to address impunity and the training of Somali security personnel on international human rights standards, also paying close attention to all human rights, including economic, social and cultural rights, the right to adequate food, the right to the enjoyment of the highest attainable standard of physical and mental health and the right to education;

12. *Requests* mandate holders of relevant thematic special procedures of the Council to cooperate with the independent expert with a view to gather and update reliable information on the human rights situation in Somalia;

13. *Requests* the Secretary-General to provide the independent expert with all the human, technical and financial assistance necessary to carry out his mandate;

14. *Decides* to remain seized of the matter.

31st meeting
2 October 2009

[Adopted without a vote.]

12/27. The protection of human rights in the context of human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS)

The Human Rights Council,

Recalling Commission on Human Rights resolutions 1997/33 of 11 April 1997, 1999/49 of 27 April 1999, 2001/51 of 24 April 2001, 2003/29 of 22 April 2003, 2003/47 of 23 April 2003, 2004/26 of 16 April 2004, 2005/23 of 15 April 2005 and 2005/84 of 21 April 2005, the Political Declaration on HIV/AIDS, adopted by the General Assembly on 2 June 2006, and the Declaration of Commitment on HIV/AIDS, adopted by the Assembly at its special session on HIV/AIDS on 27 June 2001, which affirm that the realization of human rights and fundamental freedoms for all is essential to reduce vulnerability to HIV and the impact of AIDS, as is the involvement of people living with HIV,

Recalling also the Guidelines on HIV/AIDS and Human Rights (hereinafter referred to as "the Guidelines"), referred to in the above-mentioned resolutions and annexed to Commission on Human Rights resolution 1997/33, which provide guidance to ensuring the respect, protection and fulfilment of human rights in the context of HIV, *Recalling further* Commission on Human Rights resolutions 2003/29, 2004/26 and 2005/23 and Council decision 2/107 of 27 November 2006, and their acknowledgement that prevention and comprehensive care and support, including treatment and access to medication without discrimination, for those infected and affected by pandemics such as HIV/AIDS, tuberculosis and malaria are inseparable elements of an effective response and must be integrated into a comprehensive approach to respond to such pandemics,

Recalling Commission on Human Rights resolutions 2002/31 of 22 April 2002, 2003/28 of 22 April 2003, 2004/27 of 16 April 2004 and 2005/24 of 15 April 2005, in which the Commission reaffirmed the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, and also recalling Council resolution 6/29 of 14 December 2007, in which the Council extended the mandate of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,

Taking note with interest of the reports by the United Nations special procedures that have devoted specific attention, in the context of their mandates, to the critical intersection between the protection of human rights and an effective response to the HIV/AIDS epidemic,

Noting with grave concern the fact that, according to estimates by the Joint United Nations Programme on HIV/AIDS and the World Health Organization, at the end of 2007, 33 million people were living with HIV, including 2.7 million people newly infected with HIV in 2007, and that a disproportionate number of them are presently in sub-Saharan Africa, and also deploring the 25 million lives lost to HIV/AIDS since the epidemic was identified,

Recalling the urgent need to scale up efforts significantly towards the goal of universal access to comprehensive prevention programmes, treatment, care and support by 2010, affirmed by Governments in the Political Declaration on HIV/AIDS, adopted by the General Assembly at its High-level Meeting on HIV/AIDS on 2 June 2006, and emphasizing the concern at the increasing instances of multiple or aggravated forms of discrimination, and reiterating that such discrimination affects the enjoyment of human rights and can lead to particular targeting of people living with HIV/AIDS and members of key populations affected by the epidemic, as well as increased vulnerability to HIV, and also recalling the importance that States adopt or strengthen programmes or measures to eradicate multiple or aggravated forms of discrimination, in particular by adopting or improving penal or civil legislation to address these phenomena,

Expressing appreciation for the important role played by the engagement of civil society in the response to the HIV/AIDS pandemic,

Welcoming the Global Strategy and Plan of Action on Public Health, Innovation and Intellectual Property, adopted by the World Health Assembly on 24 May 2008,

Welcoming also progress in expanding access to HIV treatment, particularly the 35 per cent increase in the number of people receiving antiretroviral therapy from 2007 to 2008, noting, however, that while nearly 3 million people in low- and middle-income countries were estimated to be receiving antiretroviral medicines as of the end of 2007, an estimated 9.7 million in need lacked access to such life-saving medicines, an estimated 1 million end-stage HIV/AIDS patients had no access to treatment for moderate to severe pain, and many people in need failed to receive treatment for tuberculosis and other HIV-related opportunistic infections, *Noting with particular concern* that, according to the Joint United Nations Programme on HIV/AIDS and the World Health Organization, women and girls are disproportionately affected by the epidemic in that they comprise an increasing proportion of the people infected, particularly in sub-Saharan Africa, where women account for 57 per cent of those infected, and young women aged from 15 to 24 years are three times more likely to be infected than young men of the same age,

Welcoming resolution 53/2 of 13 March 2009 of the Commission on the Status of Women and the recognition of the disproportionate impact of HIV and AIDS on women and girls and the need to increase significantly and coordinate political and financial commitment to address gender equality and equity in national HIV and AIDS responses, and recognizing the need to link the AIDS response more closely with the overall response to achieving the Millennium Development Goals, particularly those related to health, and underlining in this regard the interrelated nature of health- and gender-related Millennium Development Goals,

Emphasizing, in view of the increasing challenges presented by HIV/AIDS, including apparent trends to enact criminal and other laws that are counterproductive to HIV prevention, treatment, care and support efforts, and the ongoing application of HIV-specific restrictions on the entry, stay and residence of HIV-positive people, the need for intensified efforts to ensure universal respect for and observance of human rights and fundamental freedoms for all in order to reduce vulnerability to HIV, prevent HIV/AIDS-related discrimination and stigma and reduce the impact of AIDS;

Recognizing the need for the Joint United Nations Programme on HIV/AIDS to expand significantly and strengthen its work with national Governments and to work with all groups of civil society to address the gap in access to services for injecting drug users in all settings, including prisons, to develop comprehensive models of appropriate service delivery for injecting drug users, to tackle the issues of stigmatization and discrimination, and to support increased capacity and resources for the provision of a comprehensive package of services for injecting drug users, including harm-reduction programmes in relation to HIV, as elaborated by the World Health Organization, the United Nations Office on Drugs and Crime and the Joint United Nations Programme on HIV/AIDS in the Technical Guide for countries to set targets for universal access to HIV prevention, treatment and care for injecting drug users, in accordance with relevant national circumstances,

Welcoming the attention given to HIV/AIDS-related human rights by all the human rights treaty bodies,

Welcoming also the positive steps taken to implement previous resolutions, including the enactment of legislation in some countries to promote human rights in the context of HIV/AIDS and to prohibit discrimination against all persons infected or presumed to be infected, living with and affected by HIV/AIDS, and members of all populations vulnerable to and affected by the epidemic, but noting with concern that one third of countries still do not have laws protecting people living with HIV/AIDS from discrimination,

Welcoming further the significant role played by the Joint United Nations Programme on HIV/AIDS and its co-sponsor agencies in cooperation with relevant bodies of the United Nations system, including the Office of the United Nations High Commissioner for Human Rights, national and international non-governmental organizations, in particular organizations of people living with HIV/AIDS, in promoting and protecting human rights in the context of HIV/AIDS, including fighting discrimination against people living with HIV/AIDS and in the full range of prevention, treatment, care and support activities,

Recalling that HIV-related stigma and discrimination are major obstacles to an effective HIV response and that discrimination on the basis of HIV or AIDS status, actual or presumed, is prohibited by existing international human rights standards and that the term "or other status" in non-discrimination provisions in international human rights texts should be interpreted as covering health status, including HIV/AIDS,

Taking note of the report of the Secretary-General on the protection of human rights in the context of HIV and AIDS (A/HRC/10/47), in which the Secretary-General provides an overview of action taken by a number of Governments, specialized agencies and international and non-governmental organizations on the implementation of the Guidelines, and which addresses issues of technical cooperation for the promotion and protection of human rights in the context of HIV,

1. *Calls upon* all States, United Nations programmes and specialized agencies, and international and non-governmental organizations to continue to take all necessary steps to ensure the respect, protection and fulfilment of human rights in the context of HIV/AIDS, as referred to in the Guidelines, as an essential part of efforts to achieve the goal of universal access to HIV prevention, treatment, care and support;

2. *Also calls upon* all States to implement in full the Declaration of Commitment on HIV/AIDS adopted by the General Assembly at its special session on HIV/AIDS, on 27 June 2001, and the Political Declaration on HIV/AIDS, adopted by the Assembly at its High-level Meeting on HIV/AIDS on 2 June 2006;

3. *Invites* States, United Nations organs, programmes and specialized agencies and international and non-governmental organizations to assist developing countries, in particular least developed countries and those in Africa, in their efforts to prevent the spread of the epidemic and alleviate and control the detrimental impact of HIV/AIDS on the human rights of their people;

4. *Encourages* all countries to eliminate HIV-specific restrictions on entry, stay and residence and ensure that people living with HIV are no longer excluded, detained or deported on the basis of their HIV status;

5. *Recalls* the commitment, as expressed by the General Assembly in its Political Declaration on HIV/AIDS, to intensifying efforts to ensure that a wide range of prevention programmes that take into account local circumstances, ethics and cultural values is available in all countries, particularly the most affected countries, including information, education and communication, in languages most understood by communities and respectful of cultures, aimed at reducing risk-taking behaviours and encouraging responsible sexual behaviour, including abstinence and fidelity, expanded access to essential commodities, including male and female condoms and sterile injecting equipment, harm-reduction efforts related to drug use, expanded access to voluntary and confidential counselling and testing, safe blood supplies, and early and effective treatment of sexually transmitted infections;

6. *Urges* all States to eliminate gender inequalities, gender-based abuse and violence, increase the capacity of women and girls, including those in prison or detention, to protect themselves from the risk of HIV transmission, principally through the provision of health care, and services, including sexual and reproductive health, and the provision of full access to comprehensive information and education, ensure that women can exercise their right to have control over and decide freely and responsibly on matters relating to their sexuality in order to increase their ability to protect themselves from HIV transmission, including their sexual and reproductive health, free of coercion, discrimination and violence, integrate the promotion and protection of reproductive rights, as understood in previous international commitments, such as the Programme of Action adopted by the International Conference on Population and Development in September 1994 and the Beijing Declaration and Programme of Action, adopted by the Fourth World Conference for Women in September 1995, as strong and robust components of their national strategies on HIV/AIDS, and take all necessary measures to improve legal access and protection for women and girls, and to create an enabling environment for the empowerment of women and strengthen their economic independence, and in this context, reiterates the importance of the role of men and boys in achieving gender equality;

7. *Requests* States to develop further and, where necessary, to establish coordinated, participatory, gender-sensitive, transparent and accountable national policies and programmes for the HIV response, and to translate those national policies at the district level into local action, in prisons or detentions, involving, in close cooperation with civil society and in all phases of development and implementation, non-governmental, faith- and community-based organizations, women's organizations, advocacy groups and representatives of people living with HIV and other key populations affected by the epidemic;

8. *Calls upon* States to address as a priority the vulnerabilities faced by children affected by and living with HIV, including those who find themselves trapped in armed conflicts, providing support and rehabilitation to these children and their families, women and older persons, particularly in their role as caregivers, promoting child-oriented HIV/AIDS policies and programmes, including the issue of paediatric HIV services and drugs, and increased protection for children orphaned and affected by HIV/AIDS, and intensifying efforts to develop new treatments for children, and building, where needed, and supporting the social security systems that protect them;

9. *Recalls* the obligations of State parties to the Convention on the Rights of Persons with Disabilities of 2006 to provide persons with disabilities with the same range, quality and standard of free or affordable health care and programmes as provided to other people;

10. *Reaffirms* that the Agreement on Trade-Related Aspects of Intellectual Property Rights of the World Trade Organization does not and should not prevent members from taking measures now and in the future to protect public health and, while reiterating the commitment to that Agreement, that the Agreement can and should be interpreted and implemented in a manner supportive of the right to protect public health and, in particular, to promote access to medicines for all including the production of generic antiretroviral drugs and other essential drugs for AIDS-related infections;

11. *Recalls* the Global Strategy and Plan of Action on Public Health, Innovation and Intellectual Property of the World Health Assembly, and urges States, relevant international

organizations and other relevant stakeholders to support actively its wide implementation, in particular in the context of HIV/AIDS and opportunistic infections;

12. *Encourages* all States to apply measures and procedures to enforce intellectual property rights in a manner that avoids the creation of barriers to legitimate trade of medicines, and to provide for safeguards against the abuse of such measures and procedures;

13. *Urges* all States to consider taking the steps necessary towards the elimination of criminal and other laws that are counterproductive to HIV prevention, treatment, care and support efforts, including laws directly mandating disclosure of HIV status or that violate the human rights of people living with HIV and members of key populations affected by the epidemic, and also urges States to consider the enactment of laws protecting these persons from discrimination in HIV prevention, treatment, care and support efforts;

14. *Invites* the human rights treaty bodies, when considering reports submitted by States parties, to give particular attention to the protection of human rights in the context of HIV/AIDS, and invites States to include appropriate relevant information in the reports they submit to the relevant treaty bodies;

15. *Invites* all special procedures, in particular the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, within their existing mandates, to contribute to the analysis of the human rights dimensions of the HIV/AIDS epidemic, which particularly affects developing countries;

16. *Encourages* all States to consider including appropriate information on human rights in the context of HIV/AIDS in the national report to be submitted to the Council in the framework of the universal periodic review mechanism;

17. *Requests* the Secretary-General to prepare an analytical study based on comments from Governments, United Nations organs, programmes and specialized agencies, particularly the Joint United Nations Programme on HIV/AIDS and its co-sponsor agencies, in cooperation with relevant bodies of the United Nations system, including the Office of the High Commissioner and international and non-governmental organizations, on the steps taken to promote and implement programmes to address HIV/AIDS-related human rights, as referred to in the Guidelines, the Declaration of Commitment on HIV/AIDS of 2001, the Political Declaration on HIV/AIDS of 2006 and the present resolution, in the context of efforts towards the goal of universal access to HIV prevention, treatment, care and support, and to submit, in consultation with interested parties, a progress report to the Council for consideration at its sixteenth session.

31st meeting
2 October 2009

[Adopted without a vote.]

12/28. Follow-up to the tenth special session of the Human Rights Council on the impact of the global economic and financial crises on the universal realization and effective enjoyment of human rights

The Human Rights Council,

Guided by the principles and objectives of the Charter of the United Nations,

Guided also by the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action,

Reaffirming that peace and security, development and human rights are the interrelated pillars of the United Nations system,

Reaffirming also that all human rights are universal, indivisible, interdependent and interrelated and that they must be treated in a fair and equal manner, on the same footing and with the same emphasis,

Recalling General Assembly resolution 60/251 of 15 March 2006, in which the Assembly affirmed that the Council should be responsible for promoting universal respect for the protection of all human rights and fundamental freedoms for all without distinction of any kind, serving as, inter alia, a forum for dialogue on thematic issues on all human rights, and that the promotion and protection of human rights should be based on the principles of cooperation and genuine dialogue and aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings,

Recalling also General Assembly resolution 63/303 of 9 July 2009, in which the Assembly endorsed by consensus the outcome document of the Conference on the World Financial and Economic Crisis and its Impact on Development, held in New York from 24 to 30 June 2009,

Recalling further Council resolution S-10/1 of 24 February 2009, in which the Council expressed its serious concern at the negative impact of the global economic and financial crises on economic and social development and on the full enjoyment of all human rights in all countries, and recognized that developing countries, particularly least developed countries and small-island developing States, were in a more vulnerable situation when facing that impact,

1. *Reiterates* the fact that multiple and interrelated global economic and financial crises pose additional challenges to the universal realization and effective enjoyment of all human rights, and stresses the central importance of recognizing human dignity for all people when they are faced with economic circumstances beyond their control and that deprive them of their capacity to realize their rights fully;

2. *Reaffirms* the solemn commitment of all States to fulfil their obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all in accordance with the Charter of the United Nations, other instruments relating to human rights, and international law;

3. *Also reaffirms* that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations, and recalls its determination to take steps forward in the commitment of the international community

with a view to achieving substantial progress in human rights endeavours by an increased and sustained effort of international cooperation and solidarity;

4. *Recalls* that the crisis presents unique challenges to the efforts of all categories of developing countries and that strong and urgent actions are needed to counter the impact of the crisis on the most vulnerable populations and to help restore strong growth and recover lost ground in their progress towards the internationally agreed development goals, including the Millennium development Goals, as recognized in the outcome document of the Conference on the World Financial and Economic Crisis and its Impact on Development;

5. *Decides* to hold a panel discussion during the high-level segment of its thirteenth session, to discuss and evaluate the impact of the financial and economic crises to the realization of all human rights worldwide, with a view to contribute to the work of the Open-ended Working Group of the General Assembly to follow up on the issues contained in the outcome document of the Conference on the World Financial and Economic Crisis and its Impact on Development, and requests the Office of the United Nations High Commissioner for Human Rights to prepare a summary of the panel to be submitted to the Open-ended Working Group;

6. *Requests* the Office of the High Commissioner to consult States Members of the United Nations and all other relevant stakeholders on the issue with a view to present to the Council, at its thirteenth session, a report on the impact of the crises to the realization of all human rights and on possible actions required to alleviate it;

7. *Encourages* all States Members of the United Nations and relevant stakeholders to engage fully in the panel discussion with a view to guarantee the appropriate balance and diversity of views on the issue;

8. *Reiterates* its invitation to all relevant special procedures mandate holders, within their respective mandates and, as appropriate, to report on the impact of the global economic and financial crises on the realization and effective enjoyment of all human rights, building on the deliberations of its tenth special session;

9. *Decides* to remain seized of this matter.

31st meeting
2 October 2009

[Adopted without a vote.]

B. Decisions

12/101. Outcome of the universal periodic review: Central African Republic

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in

accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of the Central African Republic on 4 May 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on the Central African Republic which is constituted of the report of the Working Group on the review of the Central African Republic (A/HRC/12/2), together with the views of the Central African Republic concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/12/50, chapter VI).

14th meeting
23 September 2009

[Adopted without a vote.]

12/102. Outcome of the universal periodic review: Monaco

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Monaco on 4 May 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Monaco which is constituted of the report of the Working Group on Monaco (A/HRC/12/3), together with the views of Monaco concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/12/50, chapter VI).

14th meeting
23 September 2009

[Adopted without a vote.]

12/103. Outcome of the universal periodic review: Belize

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Belize on 5 May 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Belize which is constituted of the report of the Working Group on Belize (A/HRC/12/4), together with the views of Belize concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/12/50, chapter VI and A/HRC/12/4/Add.1).

14th meeting
23 September 2009

[Adopted without a vote.]

12/104. Outcome of the universal periodic review: Republic of the Congo

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of the Republic of the Congo on 6 May 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on the Republic of the Congo which is constituted of the report of the Working Group on the Republic of the Congo (A/HRC/12/6), together with the views of the Republic of the Congo concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/12/50, chapter VI).

15th meeting
23 September 2009

[Adopted without a vote.]

12/105. Outcome of the universal periodic review: Malta

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Malta on 6 May 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Malta which is constituted of the report of the Working Group on Malta (A/HRC/12/7), together with the views of Malta concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/12/50, chapter VI and A/HRC/12/7/Add.1/Rev.2).

15th meeting
23 September 2009

[Adopted without a vote.]

12/106. Outcome of the universal periodic review: New Zealand

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of New Zealand on 7 May 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on New Zealand which is constituted of the report of the Working Group on New Zealand (A/HRC/12/8), together with the views of New Zealand concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/12/50, chapter VI and A/HRC/12/8/Add.1, A/HRC/12/8/Add.1/Corr.1).

16th meeting
24 September 2009

[Adopted without a vote.]

12/107. Outcome of the universal periodic review: Afghanistan

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Afghanistan on 7 May 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Afghanistan which is constituted of the report of the Working Group on Afghanistan (A/HRC/12/9), together with the views of Afghanistan concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/12/50, chapter VI and A/HRC/12/9/Add.1).

16th meeting
24 September 2009

[Adopted without a vote.]

12/108. Outcome of the universal periodic review: Chile

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Chile on 8 May 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Chile which is constituted of the report of the Working Group on Chile (A/HRC/12/10), together with the views of Chile concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/12/50, chapter VI).

16th meeting
24 September 2009

[Adopted without a vote.]

12/109. Outcome of the universal periodic review: Chad

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Chad on 5 May 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Chad which is constituted of the report of the Working Group on Chad (A/HRC/12/5), together with the views of Chad concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/12/50, chapter VI).

17th meeting
24 September 2009

[Adopted without a vote.]

12/110. Outcome of the universal periodic review: Viet Nam

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Viet Nam on 8 May 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Viet Nam which is constituted of the report of the Working Group on Viet Nam (A/HRC/12/11), together with the views of Viet Nam concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/12/50, chapter VI and A/HRC/12/11/Add.1).

18th meeting
24 September 2009

[Adopted without a vote.]

12/111. Outcome of the universal periodic review: Uruguay

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Uruguay on 11 May 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Uruguay which is constituted of the report of the Working Group on Uruguay (A/HRC/12/12), together with the views of Uruguay concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/12/50, chapter VI).

16th meeting
24 September 2009

[Adopted without a vote.]

12/112. Outcome of the universal periodic review: Yemen

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Yemen on 11 May 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Yemen which is constituted of the report of the Working Group on Yemen (A/HRC/12/13), together with the views of Yemen concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/12/50, chapter VI and A/HRC/12/13/Add.1).

16th meeting
24 September 2009

[Adopted without a vote.]

[Adopted without a vote.]

12/115. Outcome of the universal periodic review: Comoros

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Comoros on 13 May 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Comoros which is constituted of the report of the Working Group on Comoros (A/HRC/12/16), together with the views of Comoros concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/12/50, chapter VI).

19th meeting
25 September 2009

[Adopted without a vote.]

12/116. Outcome of the universal periodic review: Slovakia

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Slovakia on 13 May 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Slovakia which is constituted of the report of the Working Group on Slovakia (A/HRC/12/17), together with the views of Slovakia concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/12/50, chapter VI and A/HRC/12/17/Add.1).

12/113. Outcome of the universal periodic review: Vanuatu

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Vanuatu on 12 May 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Vanuatu which is constituted of the report of the Working Group on Vanuatu (A/HRC/12/14), together with the views of Vanuatu concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/12/50, chapter VI and A/HRC/12/14/Add.1).

19th meeting
25 September 2009

[Adopted without a vote.]

12/114. Outcome of the universal periodic review: The former Yugoslav Republic of Macedonia

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of the former Yugoslav Republic of Macedonia on 12 May 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on the former Yugoslav Republic of Macedonia which is constituted of the report of the Working Group on the former Yugoslav Republic of Macedonia (A/HRC/12/15), together with the views of the former Yugoslav Republic concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/12/50, chapter VI and A/HRC/12/15/Add.1).

19th meeting
25 September 2009

20th meeting
25 September 2009

[Adopted without a vote.]

12/117. Missing persons

At its 30th meeting, on 1 October 2009, the Human Rights Council decided to adopt the following text:

> "*The Human Rights Council,*
>
> *Recalling* its resolution 7/28 of 28 March 2008 and all previous resolutions on missing persons adopted by the General Assembly and the Commission on Human Rights,
>
> *Welcoming* the panel discussion on the question of missing persons held at its ninth session,
>
> *Welcoming also* the summary of the panel's deliberations prepared by the Office of the United Nations High Commissioner for Human Rights (A/HRC/10/10),
>
> 1. *Takes note* of recommendation 3/2 of the Human Rights Council Advisory Committee on the progress of its work with regard to the study on the best practices in the matter of missing persons, contained in the report of the Advisory Committee on its third session (A/HRC/AC/3/2);
>
> 2. *Requests* the Advisory Committee to submit the study to the Council at its fourteenth session."

30th meeting
1 October 2009

[Adopted without a vote.]

12/118. United Nations declaration on human rights education and training

At its 30th meeting, on 1 October 2009, the Human Rights Council decided to adopt the following text:

> "*The Human Rights Council,*
>
> *Recalling* Council resolutions 6/10 of 28 September 2007 and 10/28 of 27 March 2009, in which the Council mandated the Advisory Committee to elaborate a draft United Nations declaration on human rights education and training and to submit it to the Council at its thirteenth session,

1. *Welcomes* the various initiatives aiming at furthering the discussions on the draft United Nations declaration on human rights education and training, in particular the holding of a seminar in Marrakech on 16 and 17 July 2009, which provided the Advisory Committee with substantial elements that will help it in the drafting process of the declaration;

2. *Decides* to hold a high-level discussion on the draft declaration during its thirteenth session."

30th meeting
1 October 2009

[Adopted without a vote.]

12/119. The effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights

At its 31st meeting, on 2 October 2009, the Human Rights Council decided to adopt the following text:

"*The Human Rights Council,*

Recalling its resolution 11/5 of 17 June 2009 on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, as well as all relevant resolutions on the issue,

Decides to:

(*a*) Request the Office of the United Nations High Commissioner for Human Rights to assist the independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights in the implementation of the activities envisaged in Council resolution 11/5;

(*b*) Request the Office of the High Commissioner to allocate sufficient budgetary resources for the implementation of the activities envisaged in resolution 11/5, including the organization and holding of regional stakeholder consultations on the draft general guidelines on foreign debt and human rights during the present term of the mandate holder."

31st meeting
2 October 2009

[Adopted by a recorded vote of 31 to 13, with 2 abstentions. The voting was as follows:

In favour: Angola, Argentina, Bahrain, Bangladesh, Bolivia (Plurinational State of), Brazil, Burkina Faso, Cameroon, Chile, China, Cuba, Djibouti, Egypt, Gabon, Ghana, India, Indonesia, Jordan, Kyrgyzstan, Madagascar, Mauritius, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Uruguay;

Against: Belgium, Bosnia and Herzegovina, France, Hungary, Italy, Japan, Netherlands, Republic of Korea, Slovakia, Slovenia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America;

Abstaining: Mexico, Norway.]

II. Thirteenth session

A. Resolutions

13/1. Composition of staff of the Office of the United Nations High Commissioner for Human Rights

The Human Rights Council,

Recalling paragraph 5 (g) of General Assembly resolution 60/251 of 15 March 2006, in which the Assembly decided that the Council should assume the role and responsibilities of the Commission on Human Rights relating to the work of the Office of the United Nations High Commissioner for Human Rights, as decided by the Assembly in its resolution 48/141 of 20 December 1993,

Taking note of all relevant resolutions on this issue adopted by the General Assembly, the Commission on Human Rights and the Council,

Taking note also of the report of the United Nations High Commissioner for Human Rights on the composition of the staff of the Office of the High Commissioner (A/HRC/13/18),

Taking note further of the reports of the Joint Inspection Unit on the follow-up to the management review of the Office of the High Commissioner (A/59/65-E/2004/48 and Add.1) and on the funding and staffing of the Office (JIU/REP/2007/8),

Bearing in mind that an imbalance in the composition of the staff could diminish the effectiveness of the work of the Office of the High Commissioner if it is perceived to be culturally biased and unrepresentative of the United Nations as a whole,

Expressing its concern that, despite the repeated requests to correct the unbalanced geographical distribution of the staff, the situation remains that one region accounts for more than half of the posts of the Office of the High Commissioner and for more posts than the four remaining regional groups combined,

Reaffirming the importance of continuing the ongoing efforts to address the imbalance regarding the regional representation of the staff of the Office of the High Commissioner, *Underlining* that the paramount consideration for employing staff at every level is the need for the highest standards of efficiency, competence and integrity, and taking into account Article 101, paragraph 3, of the Charter of the United Nations, expressing its conviction that this objective is compatible with the principle of equitable geographical distribution,

Reaffirming that the Fifth Committee is the appropriate Main Committee of the General Assembly entrusted with responsibilities for administrative and budgetary matters,

1. *Expresses its serious concern* at the fact that, despite the measures taken by the Office of the United Nations High Commissioner for Human Rights, the imbalance in the geographical representation of its composition continues to be prominent, and that a single region occupies more posts in both the professional and technical categories, as well as permanent and temporary categories, than the other four regions all together;

2. *Welcomes* the statement made by the High Commissioner in her report that achieving geographical balance in the staff of her Office will remain one of her priorities, and requests the High Commissioner to continue to take all measures needed to redress the current imbalance in geographical distribution of the staff of the Office;

3. *Notes* the increase in the past three years in the percentage of staff from regions identified as requiring better representation, and the various measures proposed and already taken to address the imbalance in geographical distribution of the staff, while noting with concern the small increase in 2009 and no change in the status of the prominent region, and stresses the need to implement additional measures to redress the prominent imbalance in a more expeditious way;

4. *Takes note* of the progress achieved towards improved geographic diversity in the staff of the Office, and takes note also of the commitment of the High Commissioner to remain attentive to the need to maintain the emphasis on the broadest possible geographic diversity of her Office, as stated in the conclusion of her report;

5. *Requests* the High Commissioner to work on the broadest geographical diversity of her staff by enhancing the implementation of measures to achieve a better representation of countries and regions that are unrepresented or underrepresented, particularly from the developing world, while considering applying a zero-growth cap on the representation of countries and regions already overrepresented in the Office of the High Commissioner;

6. *Welcomes* the efforts made towards the achievement of a gender balance in the composition of the staff and the decision to continue to pay special attention to this issue;

7. *Requests* future High Commissioners to continue to enhance the ongoing efforts made in the fulfilment of the goal of a geographical balance in the composition of the staff of the Office;

8. *Underlines* the importance of continuing to promote geographical diversity in the recruitment of and promotion to high-level and Professional posts, including senior managers, as a principle of the staffing policies of the Office of the High Commissioner;

9. *Affirms* the vital importance of geographical balance in the composition of the staff of the Office of the High Commissioner, taking into account the significance of national and regional specificities and various historic, cultural and religious backgrounds, as well as of different political, economic and legal systems, to the promotion and protection of the universality of human rights;

10. *Recalls* the provisions contained in section X, paragraph 3, of General Assembly resolution 55/258 of 14 June 2001, on human resources management, in which the Assembly reiterated its request to the Secretary-General to increase further his efforts to improve the composition of the Secretariat by ensuring a wide and equitable geographical distribution of staff in all departments, and also recalls the request that he submit to the Assembly proposals for a comprehensive review of the system of desirable ranges, with a view to establishing a more effective tool to ensure equitable geographical distribution in relation to the total number of staff of the Secretariat;

11. *Encourages* the General Assembly to consider further measures for promoting desirable ranges of geographical balance in the staff of the Office of the High Commissioner representing national and regional specificities and various historic, cultural and religious backgrounds, as well as the diversity of political, economic and legal systems;

12. *Welcomes* the significant increase in the human and financial resources allocated to the activities of the Office of the High Commissioner and the impact it should have on the geographic composition of the Office;

13. *Recognizes* the importance of the follow-up to and implementation of General Assembly resolution 61/159 of 19 December 2006, and underlines the priority importance that the Assembly continue to provide support and guidance to the High Commissioner in the ongoing process of improvement of the geographical balance in the composition of the staff of the Office of the High Commissioner;

14. *Requests* the High Commissioner to submit a comprehensive and updated report to the Council at its sixteenth session, in accordance with its annual programme of work, following the structure and scope of her report and with a special focus on further measures taken to correct the imbalance in the geographical composition of the staff of the Office.

41st meeting
24 March 2010

[Adopted by a recorded vote of 31 to 12, with 3 abstentions. The voting was as follows:

In favour: Angola, Argentina, Bahrain, Bangladesh, Bolivia (Plurinational State of), Brazil, Burkina Faso, Cameroon, China, Cuba, Djibouti, Egypt, Gabon, India, Indonesia, Jordan, Kyrgyzstan, Madagascar, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Uruguay, Zambia;

Against: Belgium, France, Hungary, Italy, Japan, Netherlands, Norway, Slovakia, Slovenia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America;

Abstaining: Bosnia and Herzegovina, Chile, Republic of Korea.]

13/2. Human rights and arbitrary deprivation of nationality

The Human Rights Council,

Guided by the purposes, principles and provisions of the Charter of the United Nations,

Guided also by article 15 of the Universal Declaration of Human Rights, according to which everyone has the right to a nationality and no one shall be arbitrarily deprived of his nationality,

Reaffirming its resolutions 7/10 of 27 March 2008 and 10/13 of 26 March 2009, as well as all previous resolutions adopted by the Commission on Human Rights, on the issue of human rights and the arbitrary deprivation of nationality,

Recognizing the authority of States to establish laws governing the acquisition, renunciation or loss of nationality in accordance with international law, and noting that the issue of statelessness is already under consideration by the General Assembly within the broad issue of State succession,

Noting the provisions of international human rights instruments and international instruments on statelessness and nationality recognizing the right to acquire, change or retain nationality or prohibiting arbitrary deprivation of nationality, inter alia, article 5, paragraph (d) (iii), of the International Convention on the Elimination of All Forms of Racial Discrimination; article 24, paragraph 3, of the International Covenant on Civil and Political Rights; articles 7 and 8 of the Convention on the Rights of the Child; articles 1 to 3 of the Convention on the Nationality of Married Women; article 9 of the Convention on the Elimination of All Forms of Discrimination against Women; article 18 of the Convention on the Rights of Persons with Disabilities; the Convention on the Reduction of Statelessness; and the Convention relating to the Status of Stateless Persons,

Noting also general comment No. 30 (2004) of the Committee on the Elimination of Racial Discrimination,

Noting further the attention that the above-mentioned Committee pays to the issues of statelessness and arbitrary deprivation of nationality in its work, including when examining the reports of States parties on the implementation of their obligations under the International Convention on the Elimination of All Forms of Racial Discrimination,

Recalling that persons arbitrarily deprived of nationality are protected by international human rights and refugee law as well as instruments on statelessness, including, with respect to States parties, the Convention relating to the Status of Stateless Persons and the Convention relating to the Status of Refugees and the Protocol thereto,

Stressing that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis,

Recalling General Assembly resolution 64/127 of 18 December 2009, in which, inter alia, the Assembly urged the Office of the United Nations High Commissioner for Refugees to continue its work with regard to identifying stateless persons, preventing and reducing statelessness and protecting stateless persons,

Noting the important work of the Office of the United Nations High Commissioner for Refugees in seeking to address and prevent the problem of statelessness, as guided by, in particular, the conclusion of its Executive Committee on identification, prevention and reduction of statelessness and protection of stateless persons No. 106 (LVII) 2006,

Mindful of the endorsement by the General Assembly, in its resolution 41/70 of 3 December 1986, of the call upon all States to promote human rights and fundamental freedoms and to refrain from denying those to individuals in their populations because of nationality, ethnicity, race, religion or language,

Recalling General Assembly resolutions 55/153 of 12 December 2000, 59/34 of 2 December 2004 and 63/118 of 11 December 2008 on the work of the International Law Commission on the nationality of natural persons in relation to the succession of States,

Recalling also that the General Assembly in its resolution 63/118 decided to include in the provisional agenda of its sixty-sixth session the item entitled "Nationality of natural persons in relation to the succession of States", with the aim of examining the subject, including the question of the form that might be given to the relevant draft articles on nationality of natural persons in relation to the succession of States prepared by the International Law Commission,

Recognizing that arbitrary deprivation of nationality disproportionately affects persons belonging to minorities, and recalling the work done by the independent expert on minority issues on the subject of the right to nationality,

Expressing its deep concern at the arbitrary deprivation of persons or groups of persons of their nationality, especially on discriminatory grounds such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling that arbitrarily depriving a person of his or her nationality may lead to statelessness and, in this regard, expressing concern at various forms of discrimination against stateless persons that may violate the obligations of States under international human rights law,

Emphasizing that the human rights and fundamental freedoms of persons whose nationality may be affected by State succession must be fully respected,

1. *Reaffirms* that the right to a nationality of every human person is a fundamental human right;

2. *Recognizes* that arbitrary deprivation of nationality, especially on discriminatory grounds such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status is a violation of human rights and fundamental freedoms;

3. *Calls upon* all States to refrain from taking discriminatory measures and from enacting or maintaining legislation that would arbitrarily deprive persons of their nationality on grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, especially if such measures and legislation render a person stateless;

4. *Urges* all States to adopt and implement nationality legislation with a view to avoiding statelessness, consistent with principles of international law, in particular by preventing arbitrary deprivation of nationality and statelessness as a result of State succession;

5. *Acknowledges* that 2011 will mark the fiftieth anniversary of the adoption of the Convention on the Reduction of Statelessness, and encourages States that have not acceded to the Convention and to the Convention relating to the Status of Stateless Persons to consider doing so;

6. *Notes* that the full enjoyment of all human rights and fundamental freedoms of an individual might be impeded as a result of arbitrary deprivation of nationality;

7. *Expresses its concern* that persons arbitrarily deprived of nationality may be affected by poverty, social exclusion and legal incapacity which have an adverse impact on their enjoyment of relevant civil, political, economic, social and cultural rights, in particular in the areas of education, housing, employment and health;

8. *Recalls* that every child has the right to acquire a nationality, and recognizes the special needs of children for protection against arbitrary deprivation of nationality;

9. *Calls upon* States to ensure that all children are registered at birth, and notes the importance of standardized and effective procedures for civil registration and identity documentation in order to help prevent arbitrary deprivation of nationality and statelessness;

10. *Also calls upon* States to observe minimum procedural standards in order to ensure that decisions concerning the acquisition, deprivation or change of nationality do not contain any element of arbitrariness and are subject to review, in conformity with their international human rights obligations;

11. *Further calls upon* States to ensure access of persons arbitrarily deprived of their nationality to effective remedies, including, but not limited to, restoration of nationality;

12. *Takes note with appreciation* of the report of the Secretary-General submitted in accordance with Council resolution 10/13 (A/HRC/13/34);

13. *Urges* relevant United Nations human rights mechanisms and appropriate treaty bodies and encourages the Office of the United Nations High Commissioner for Refugees to continue with the ongoing collection of information on the issue of human rights and arbitrary deprivation of nationality from all relevant sources and to take account of such information, together with any recommendations thereon, in their reports and activities conducted within their respective mandates;

14. *Requests* the Secretary-General to prepare a report on the impact that arbitrary deprivation of nationality may have on the enjoyment by persons of their human rights, including civil, political, economic, social and cultural rights, and to present it to the Council at its nineteenth session;

15. *Decides* to remain seized of this matter.

41st meeting

24 March 2010

[Adopted without a vote.]

13/3. Open-ended Working Group on an optional protocol to the Convention on the Rights of the Child to provide a communications procedure

The Human Rights Council,

Recalling Human Rights Council resolution 11/1 of 17 June 2009 on the Openended Working Group on an optional protocol to the Convention on the Rights of the Child to provide a communications procedure,

Recalling also General Assembly resolution 64/146 of 18 December 2009 on the rights of the child,

Bearing in mind paragraph 33 (p) of General Assembly resolution 64/146, in which the Assembly called upon States to ensure that child-sensitive procedures were made available to children and their representatives so that children had access to means of facilitating effective remedies for any breaches of any of their rights arising from the Convention on the Rights of the Child through independent advice, advocacy and complaint procedures, including justice mechanisms, and that their views were heard when they were involved or their interests were concerned in judicial or administrative procedures in a manner consistent with the procedural rules of national law,

Noting with interest general comment No. 5 (2003) of the Committee on the Rights of the Child, in which the Committee emphasized that children's special and dependent status creates real difficulties for them in pursuing remedies for breaches of their rights, and general comment No. 12 (2009), in which the Committee stated that the right of all children to be heard and taken seriously constitutes one of the fundamental values of the Convention on the Rights of the Child,

Recalling the view of the Committee on the Rights of the Child, expressed by its Chairperson in her oral report to the General Assembly at its sixty-third session, that the development of a communications procedure for the Convention on the Rights of the Child would significantly contribute to the overall protection of children's rights,

1. *Takes note* of the report on its first session, held in Geneva from 16 to 18 December 2009, of the Open-ended Working Group established under Human Rights Council resolution 11/1 to explore the possibility of elaborating an optional protocol to the Convention on the Rights of the Child to provide a communications procedure complementary to the reporting procedure under the Convention (A/HRC/13/43);

2. *Decides* to extend the mandate of the Open-ended Working Group until the seventeenth session of the Council, and also decides that the Open-ended Working Group shall meet for up to ten working days and report to the Council not later than at its seventeenth session;

3. *Also decides* to mandate the Open-ended Working Group to elaborate an optional protocol to the Convention on the Rights of the Child to provide a communications procedure and, in this regard, requests the Chairperson of the Open-ended Working Group to prepare a proposal for a draft optional protocol, taking into account the views expressed and inputs provided during the first session of the Working Group in December 2009 and giving due regard to the views of the Committee on the Rights of the Child and, where appropriate, to the views of

relevant United Nations special procedures and other experts, to be circulated by September 2010 in all the official languages of the United Nations with the proposal for the draft optional protocol to be used as a basis for the forthcoming negotiations;

4. *Further decides* to invite a representative of the Committee on the Rights of the Child to participate in the Open-ended Working Group as a resource person and, where appropriate, relevant United Nations special procedures and other relevant independent experts;

5. *Requests* the Office of the United Nations High Commissioner for Human Rights to update and publish the report of the Secretary-General on the comparative summary of existing communications and inquiry procedures and practices under international human rights instruments and under the United Nations system, published on 22 November 2004 (E/CN.4/2005/WG.23/2), and to present that report to the Council at its fifteenth session;

6. *Requests* the Secretary-General and the Office of the High Commissioner to continue to provide the Open-ended Working Group with the assistance necessary for the fulfilment of its mandate, in accordance with General Assembly resolution 64/245 of 24 December 2009 on special subjects relating to the proposed programme budget for the biennium 2010–2011.

41st meeting
24 March 2010

[Adopted without a vote]

13/4. The right to food

The Human Rights Council,

Recalling all previous General Assembly and Council resolutions on the right to food, in particular Assembly resolution 64/159 of 18 December 2009 and Council resolution 10/12 of 26 March 2009, as well as all resolutions of the Commission on Human Rights on the issue,

Recalling also the holding of its seventh special session, at which it analysed the negative impact of the worsening of the world food crisis on the realization of the right to food for all, as well as its resolutions S-7/1 of 22 May 2008, 9/6 of 18 September 2008 and 12/10 of 1 October 2009,

Recalling further the Universal Declaration of Human Rights, which provides that everyone has the right to a standard of living adequate for her or his health and well-being, including food, the Universal Declaration on the Eradication of Hunger and Malnutrition and the United Nations Millennium Declaration,

Recalling the provisions of the International Covenant on Economic, Social and Cultural Rights in which the fundamental right of every person to be free from hunger is recognized,

Bearing in mind the Rome Declaration on World Food Security, the World Food Summit Plan of Action and the Declaration of the World Food Summit, adopted in Rome on 13 June 2002, the Declaration of the World Summit on Food Security, adopted on 16 November 2009, and the Marrakesh Ministerial Decision on Measures Concerning the Possible Negative Effects of the Reform Programme on Least Developed and Net Food importing Countries, adopted on 15 April 1994,

Reaffirming the concrete recommendations contained in the Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security, adopted by the Council of the Food and Agriculture Organization of the United Nations in November 2004,

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated, and that they must be treated globally, in a fair and equal manner, on the same footing and with the same emphasis,

Reaffirming also that a peaceful, stable and enabling political, social and economic environment, at both the national and the international levels, is the essential foundation that will enable States to give adequate priority to food security and poverty eradication,

Reiterating, as in the Rome Declaration on World Food Security and the Declaration of the World Food Summit: five years later, that food should not be used as an instrument of political or economic pressure, and reaffirming in this regard the importance of international cooperation and solidarity, as well as the necessity of refraining from unilateral measures that are not in accordance with international law and the Charter of the United Nations and that endanger food security,

Convinced that each State should adopt a strategy consistent with its resources and capacities to achieve its individual goals in implementing the recommendations contained in the Rome Declaration on World Food Security and the World Food Summit Plan of Action and, at the same time, cooperate regionally and internationally in order to organize collective solutions to global issues of food security in a world of increasingly interlinked institutions, societies and economies where coordinated efforts and shared responsibilities are essential,

Recognizing that, despite the efforts made, the problems of hunger and food insecurity have a global dimension and that there has been insufficient progress made on reducing hunger, and that they could increase dramatically in some regions unless urgent, determined and concerted action is taken,

Concerned by the fact that the effects of the world food crisis are not over and that they continue to have serious consequences on the most vulnerable people, particularly in developing countries, which have been further aggravated by the world economic and financial crisis,

Convinced that the elimination of the current distortions in the agricultural trading system will allow local producers and poor farmers to compete and sell their products, thereby facilitating the realization of the right to adequate food,

Noting that environmental degradation, desertification and global climate change are factors contributing to destitution and desperation and have a negative impact on the realization of the right to food, in particular in developing countries, *Expressing its deep concern* at the number and scale of natural disasters, diseases and pests and their increasing impact in recent years, which have resulted in massive loss of life and livelihood and threatened agricultural production and food security, in particular in developing countries,

Stressing the importance of reversing the continuing decline of official development assistance devoted to agriculture, both in real terms and as a share of total official development assistance,

Recalling the pledges made to increase official development assistance devoted to agriculture, as well as that the realization of the right to food not only entails an increase in productivity but also a holistic approach that includes a focus on smallholder and traditional farmers and the most vulnerable groups and national and international policies that are conducive to the realization of this right,

Recognizing the need to increase investment in agriculture from all relevant sources for the realization of the right to food,

Recalling its resolutions 5/1 on institution-building of the United Nations Human Rights Council, and 5/2 on a code of conduct for special procedures mandate holders of the Human Rights Council, of 18 June 2007,

1. *Reaffirms* that hunger constitutes an outrage and a violation of human dignity and therefore requires the adoption of urgent measures at the national, regional and international levels for its elimination;

2. *Also reaffirms* the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger, so as to be able to fully develop and maintain his or her physical and mental capacities;

3. *Expresses grave concern* at the fact that the world food crisis continues to seriously undermine the realization of the right to food for all, and especially for one sixth of the world population, mainly in developing and least developed countries, who suffer from hunger, malnutrition and food insecurity;

4. *Considers it intolerable* that, according to an estimation by the United Nations Children's Fund, more than one third of the children who die every year before the age of 5 years do so from hunger-related illness, and that, according to an estimation by the Food and Agriculture Organization of the United Nations, the number of people who are undernourished has grown to about 1.02 billion worldwide, and that there is an additional 1 billion people suffering from serious malnutrition, including as a result of the global food crisis, even though, according to the latter organization, the planet could produce enough food to feed 12 billion people, that is, twice the world's current population;

5. *Expresses its concern* that women and girls are disproportionately affected by hunger, food insecurity and poverty, in part as a result of gender inequality and discrimination, that in many countries girls are twice as likely as boys to die from malnutrition and preventable childhood diseases, and that it is estimated that almost twice as many women as men suffer from malnutrition;

6. *Encourages* all States to take action to address gender inequality and discrimination against women, in particular where it contributes to the malnutrition of women and girls, including measures to ensure the full and equal realization of the right to food and ensuring that women have equal access to resources, including income, land and water and their ownership, as well as full and equal access to education, science and technology, to enable them to feed themselves and their families;

7. *Stresses* the need to guarantee fair and non-discriminatory access to land rights for smallholders, traditional farmers and their organizations, including in particular rural women and vulnerable groups;

8. *Encourages* the Special Rapporteur on the right to food to ensure the mainstreaming of a gender perspective in the fulfilment of his mandate, and encourages the Food and Agriculture Organization of the United Nations and all other United Nations bodies and mechanisms that address the right to food and food insecurity to integrate and effectively implement a gender perspective and a human rights perspective into their relevant policies, programmes and activities regarding access to food;

9. *Reaffirms* the need to ensure that programmes delivering safe and nutritious food are inclusive and accessible to persons with disabilities;

10. *Encourages* States to mainstream a human rights perspective in building and reviewing their national strategies for the realization of the right to food for all, and to take steps to promote the conditions for everyone to be free from hunger and, as soon as possible, to enjoy fully the right to food and, where appropriate, to consider establishing appropriate institutional mechanisms, in order to:

(a) Identify, at the earliest stage possible, emerging threats to the right to adequate food, with a view to facing them;

(b) Strengthen the overall national human rights protection system with a view to contributing to the realization of the right to food;

(c) Improve coordination between the different relevant ministries and between national and subnational levels of government;

(d) Improve accountability, with a clear allocation of responsibilities, and the setting of precise time frames for the realization of the dimensions of the right to food that require progressive implementation;

(e) Ensure adequate participation, particularly of the most food-insecure segments of the population;

(f) Pay specific attention to the need to improve the situation of the most vulnerable segments of society;

11. *Stresses* that the primary responsibility of States is to promote and protect the right to food and that the international community should provide, through a coordinated response and upon request, international cooperation in support for national and regional efforts by providing the necessary assistance for increasing food production, particularly through agricultural

development assistance, the transfer of technology, food crop rehabilitation assistance and food aid, with a special focus on the gender-sensitive dimension;

12. *Calls upon* States parties to the International Covenant on Economic, Social and Cultural Rights to fulfil their obligations under article 2, paragraph 1, and article 11, paragraph 2 thereof, in particular with regard to the right to adequate food;

13. *Calls upon* States, individually and through international cooperation and assistance, relevant multilateral institutions and other relevant stakeholders, to take all necessary measures to ensure the realization of the right to food as an essential human rights objective, and to consider reviewing any policy or measure that could have a negative impact on the realization of the right to food, particularly the right of everyone to be free from hunger, before instituting such a policy or measure;

14. *Stresses* that improving access to productive resources and investment in rural development is essential for eradicating hunger and poverty, in particular in developing countries, including through the promotion of investments in appropriate, smallscale irrigation and water management technologies in order to reduce vulnerability to droughts;

15. *Recognizes* that 80 per cent of people suffering from hunger live in rural areas, and 50 per cent are small-scale and traditional farm holders, and that these people are especially vulnerable to food insecurity, given the increasing cost of various inputs and the fall in farm incomes; that access to land, water, seeds and other natural resources is an increasing challenge for poor producers; that sustainable and gender-sensitive agricultural policies are important tools to achieve food security and rural development; and that support by States for small farmers, fishing communities and local enterprises is a key element to food security and provision of the right to food;

16. *Stresses* the importance of fighting hunger in rural areas, including through national efforts supported by international partnerships to stop desertification and land degradation and through investments and public policies that are specifically appropriate to the risk of drylands and, in this regard, calls for the full implementation of the United Nations Convention to Combat Desertification in those countries experiencing serious drought and/or desertification, particularly in Africa;

17. *Recalls* the United Nations Declaration on the Rights of Indigenous Peoples and acknowledges that many indigenous organizations and representatives of indigenous peoples have expressed in different forums their deep concerns over the obstacles and challenges they face to the full enjoyment of the right to food, and calls upon States to take special actions to combat the root causes of the disproportionately high level of hunger and malnutrition among indigenous peoples and the continuous discrimination against them;

18. *Requests* all States and private actors, as well as international organizations within their respective mandates, to take fully into account the need to promote the effective realization of the right to food for all, including in ongoing negotiations in different fields;

19. *Encourages* all relevant international organizations and agencies to bring a human rights perspective and the need for the realization of the right to food for all to their studies, research, reports and resolutions on the issue of food security;

20. *Recognizes* the need to strengthen national commitment as well as international assistance, upon the request of and in cooperation with the affected countries, towards the full realization and protection of the right to food and, in particular, to develop national protection mechanisms for people forced to leave their homes and land because of hunger or humanitarian emergencies affecting the enjoyment of the right to food;

21. *Stresses* the need to make efforts to mobilize and optimize the allocation and utilization of technical and financial resources from all sources, including external debt relief for developing countries, and to reinforce national actions to implement sustainable food security policies;

22. *Encourages* the Special Rapporteur to continue to cooperate with States in order to enhance the contribution development cooperation and food aid to the realization of the right to food, within existing mechanisms, taking into account the views of all stakeholders;

23. *Stresses* that all States should make every effort to ensure that their international policies of a political and economic nature, including international trade agreements, do not have a negative impact on the right to food in other countries;

24. *Recalls* the importance of the New York Declaration on Action against Hunger and Poverty, and recommends the continuation of efforts aimed at identifying additional sources of financing for the fight against hunger and poverty;

25. *Recognizes* that the promises made at the World Food Summit in 1996 to halve the number of persons who are undernourished are not being fulfilled, while recognizing the efforts of Member States in that regard, and urges all States, international financial and development institutions, as well as the relevant United Nations agencies and funds, to give priority to and provide the necessary funding to realize the aim of halving by 2015 the number, or at least the proportion, of people who suffer from hunger, as stated in Millennium Development Goal 1, as well as the right to food, as set out in the Rome Declaration on World Food Security and the United Nations Millennium Declaration;

26. *Reaffirms* that integrating food and nutritional support, with the goal that all people at all times will have access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life, is part of a comprehensive effort to improve public health, including the response to the spread of HIV/AIDS, tuberculosis, malaria and other communicable diseases;

27. *Urges* States to give adequate priority in their development strategies and expenditures to the realization of the right to food;

28. *Stresses* the importance of international cooperation and development assistance, as an effective contribution both to the expansion and improvement of agriculture and its environmental sustainability and to the provision of humanitarian food assistance in activities related to emergency situations, for the realization of the right to food and the achievement of sustainable food security, while recognizing that each country has the primary responsibility for ensuring the implementation of national programmes and strategies in this regard;

29. *Invites* all relevant international organizations, including the World Bank and the International Monetary Fund, to promote such policies and projects that have a positive impact on the right to food, to ensure that partners respect the right to food in the implementation of common projects, to support strategies of Member States aimed at the fulfilment of the right to food and to avoid any actions that could have a negative impact on the realization of the right to food;

30. *Encourages* developing countries to establish regional arrangements with the support of the international community and development partners to ensure adequate food production and thereby contribute to ensuring food security, in particular in developing countries and in those countries that have scarce fertile land;

31. *Encourages* the Special Rapporteur on the right to food and the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises to cooperate on the subject of the contribution of the private sector to the realization of the right to food, including the importance of ensuring sustainable water resources for human consumption and agriculture;

32. *Also encourages* the Special Rapporteur to continue his collaboration with relevant international organizations and United Nations agencies, programmes and funds, in particular the Rome-based ones, including the Food and Agriculture Organization of the United Nations, the International Fund for Agricultural Development and the World Food Programme, in order to contribute to ensuring that the right to food is promoted further within these organizations, in accordance with their respective mandates, including for the advancement of smallholders and agricultural workers in both developing and least developed countries;

33. *Recognizes* the negative impact on the full enjoyment of the right to adequate food of insufficient purchasing power and of increased volatility of prices of agricultural commodities on the international markets, particularly on people in developing countries and on net food-importing countries;

34. *Encourages* the Special Rapporteur, within his existing mandate, to explore, in consultation with Member States and relevant stakeholders, ways and means of raising the capacity of countries, particularly developing countries, including least developed and net food-importing developing countries, to ensure the realization and protection of the right to adequate food for their populations, and to report on his findings to the Council;

35. *Takes note with appreciation* of the report of the Special Rapporteur (A/HRC/13/33) and of the addendum thereto on large-scale land acquisitions and leases: a set of minimum principles and measures to address the human rights challenge (A/HRC/13/33/Add.2);

36. *Decides* to extend the mandate of the Special Rapporteur, for a period of three years, to enable him to continue to work in accordance with the mandate established by the Council in its resolution 6/2 of 27 September 2007;

37. *Requests* the Special Rapporteur, as part of his mandate, to continue to monitor the evolution of the world food crisis and, in the context of his regular reports, to maintain the Council informed of the impact of the crisis on the enjoyment of the right to food and to alert it to possible further actions in this regard;

38. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide all the necessary human and financial resources for the effective fulfilment of the mandate of the Special Rapporteur;

39. *Welcomes* the work already done by the Committee on Economic, Social and Cultural Rights in promoting the right to adequate food, in particular its general comment No. 12 (1999) on the right to adequate food (article 11 of the International Covenant on Economic, Social and Cultural Rights), in which the Committee affirmed, inter alia, that the right to adequate food is indivisibly linked to the inherent dignity of the human person and is indispensable for the fulfilment of other human rights enshrined in the International Bill of Human Rights, and is also inseparable from social justice, requiring the adoption of appropriate economic, environmental and social policies at both the national and international levels, oriented to the eradication of poverty and the fulfilment of all human rights for all;

40. *Recalls* general comment No. 15 (2002) of the Committee on the right to water (articles 11 and 12 of the Covenant), in which the Committee noted, inter alia, the importance of ensuring sustainable water resources for human consumption and agriculture in the realization of the right to adequate food;

41. *Reaffirms* that the Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security represent a practical tool to promote the realization of the right to food for all, contribute to the achievement of food security and thus provide an additional instrument in the attainment of internationally agreed development goals, including those contained in the Millennium Declaration;

42. *Acknowledges* the work being carried out by the Advisory Committee on the right to food and, in that regard, welcomes its submission to the Council of the preliminary study on discrimination in the context of the right to food, including an identification of good practices of anti-discriminatory policies and strategies (A/HRC/13/32);

43. *Requests* the Office of the High Commissioner to collect the views and comments of all Member States, all relevant United Nations special agencies and programmes and all other relevant stakeholders on the good practices of anti-discriminatory policies and strategies set out in the preliminary study, so that the Advisory Committee take them into account for the conclusion of the study;

44. *Requests* the Advisory Committee to continue to work on the issue of discrimination in the context of the right to food and, in that regard, to undertake a preliminary study on ways and means to further advance the rights of people working in rural areas, including women, in particular smallholders engaged in the production of food and/or other agricultural products, including from directly working the land, traditional fishing, hunting and herding activities, and to report thereon to the Council at its sixteenth session;

45. *Welcomes* the continued cooperation of the High Commissioner, the Advisory Committee and the Special Rapporteur, and encourages them to continue their cooperation;

46. *Calls upon* all Governments to cooperate with and assist the Special Rapporteur in his task to supply all necessary information requested by him and to give serious consideration to

responding favourably to the requests of the Special Rapporteur to visit their countries to enable him to fulfil his mandate more effectively;

47. *Recalls* the requests made by the General Assembly, in its resolution 64/159, that the Special Rapporteur submit to the Assembly an interim report at its sixty-fifth session on the implementation of that resolution and to continue his work, including by examining the emerging issues with regard to the realization of the right to food within his existing mandate;

48. *Invites* Governments, relevant United Nations agencies, funds and programmes, treaty bodies and civil society actors, including non-governmental organizations, as well as the private sector, to cooperate fully with the Special Rapporteur in the fulfilment of his mandate through, inter alia, the submission of comments and suggestions on ways and means of realizing the right to food;

49. *Requests* the Special Rapporteur to submit a report on the implementation of the present resolution to the Council at its sixteenth session;

50. *Decides* to continue consideration of this matter under the same agenda item at its sixteenth session.

41st meeting
24 March 2010

[Adopted without a vote.]

13/5. Human rights in the occupied Syrian Golan

The Human Rights Council,

Deeply concerned at the suffering of the Syrian citizens in the occupied Syrian Golan due to the systematic and continuous violation of their fundamental and human rights by Israel since the Israeli military occupation of 1967,

Recalling Security Council resolution 497 (1981) of 17 December 1981,

Recalling also all relevant General Assembly resolutions, the most recent being resolution 64/95 of 10 December 2009, in which the Assembly declared that Israel had failed so far to comply with Security Council resolution 497 (1981) and demanded that Israel withdraw from all the occupied Syrian Golan,

Reaffirming once more the illegality of the decision by Israel of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan, which has resulted in the effective annexation of that territory,

Reaffirming the principle of the inadmissibility of the acquisition of territory by force in accordance with the Charter of the United Nations and the principles of international law, *Taking note with deep concern* of the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/64/339) of 9 September 2009, in which the Committee expressed concern at the human rights situation in the Occupied Palestinian Territory and the occupied Syrian Golan and, in this connection, deploring the Israeli settlement in the occupied Arab territories and expressing regret at the constant refusal of Israel to cooperate with and to receive the Special Committee,

Guided by the relevant provisions of the Charter of the United Nations, international law and the Universal Declaration of Human Rights and reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, and the relevant provisions of the Hague Conventions of 1899 and 1907 to the occupied Syrian Golan,

Reaffirming the importance of the peace process, which started in Madrid on the basis of Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973 and the principle of land for peace, and expressing its concern at the halting of the peace process in the Middle East and its hope that peace talks will be resumed on the basis of the full implementation of Security Council resolutions 242 (1967) and 338 (1973) for the establishment of a just and comprehensive peace in the region,

Reaffirming also the previous relevant resolutions of the Commission on Human Rights and of the Human Rights Council, the most recent being resolution 10/17 of 26 March 2009,

1. *Calls upon* Israel, the occupying Power, to comply with the relevant resolutions of the General Assembly, the Security Council and the Human Rights Council, in particular Security Council resolution 497 (1981), in which the Council decided, inter alia, that the decision of Israel to impose its laws, jurisdiction and administration on the occupied Syrian Golan is null and void and without international legal effect, and demanded that Israel rescind forthwith its decision;

2. *Also calls upon* Israel to desist from its continuous building of settlements and from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan, and emphasizes that the displaced persons of the population of the occupied Syrian Golan must be allowed to return to their homes and to recover their property;

3. *Further calls upon* Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan, and to desist from its repressive measures against them and from all other practices that obstruct the enjoyment of their fundamental rights and their civil, political, economic, social and cultural rights, some of which are mentioned in the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories;

4. *Calls upon* Israel to allow the Syrian population of the occupied Syrian Golan to visit their families and relatives in the Syrian motherland through the Quneitra checkpoint and under the supervision of the International Committee of the Red Cross, and to rescind its decision to prohibit these visits, as it is in flagrant violation of the Fourth Geneva Convention and the International Covenant on Civil and Political Rights;

5. *Also calls upon* Israel to release immediately the Syrian detainees in Israeli prisons, some of whom have been detained for more than twenty-four years, and calls on Israel to treat them in conformity with international humanitarian law;

6. *Further calls upon* Israel, in this connection, to allow delegates of the International Committee of the Red Cross to visit Syrian prisoners of conscience and detainees in Israeli prisons accompanied by specialized physicians to assess the state of their physical and mental health and to protect their lives;

7. *Determines* that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that seek to alter the character and legal status of the occupied Syrian Golan are null and void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and have no legal effect;

8. *Again calls upon* States Members of the United Nations not to recognize any of the above-mentioned legislative or administrative measures;

9. *Requests* the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, specialized agencies, international and regional intergovernmental organizations and international humanitarian organizations, to disseminate it as widely as possible and to report on this matter to the Council at its sixteenth session;

10. *Decides* to continue the consideration of the human rights violations in the occupied Syrian Golan at its sixteenth session.

41st meeting
24 March 2010

[Adopted by a recorded vote of 31 to 1, with 15 abstentions. The voting was as follows:

In favour: Angola, Argentina, Bahrain, Bangladesh, Bolivia (Plurinational State of), Brazil, Burkina Faso, Chile, China, Cuba, Djibouti, Egypt, Ghana, India, Indonesia, Jordan, Kyrgyzstan, Madagascar, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Uruguay, Zambia;

Against: United States of America;

Abstaining: Belgium, Bosnia and Herzegovina, Cameroon, France, Gabon, Hungary, Italy, Japan, Netherlands, Norway, Republic of Korea, Slovakia, Slovenia, Ukraine, United Kingdom of Great Britain and Northern Ireland.]

13/6. Right of the Palestinian people to self-determination

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, in particular the provisions of Articles 1 and 55 thereof, which affirm the right of peoples to self-determination, and reaffirming the need for the scrupulous respect of the principle of refraining in international relations from the threat or use of force, as specified in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, adopted by the General Assembly in its resolution 2625 (XXV) of 24 October 1970,

Guided also by the provisions of article 1 of the International Covenant on Economic, Social and Cultural Rights and article 1 of the International Covenant on Civil and Political Rights, which affirm that all peoples have the right to self-determination,

Guided further by the International Covenants on Human Rights, the Universal Declaration of Human Rights, the Declaration on the Granting of Independence to Colonial Countries and Peoples and by the provisions of the Vienna Declaration and Programme of Action, adopted on 25 June 1993 by the World Conference on Human Rights (A/CONF.157/23), and in particular part I, paragraphs 2 and 3 thereof, relating to the right of self-determination of all peoples and especially those subject to foreign occupation,

Recalling General Assembly resolutions 181 A and B (II) of 29 November 1947 and 194 (III) of 11 December 1948, as well as all other resolutions that confirm and define the inalienable rights of the Palestinian people, particularly their right to self-determination,

Recalling also Security Council resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973, 1397 (2002) of 12 March 2002 and 1402 (2002) of 30 March 2002,

Recalling further the conclusion of the International Court of Justice, in its advisory opinion of 9 July 2004, that the construction of the wall by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, along with measures previously taken, severely impedes the right of the Palestinian people to self-determination,

Recalling the resolutions adopted in this regard by the Commission on Human Rights, the last of which being resolution 2005/1 of 7 April 2005,

Reaffirming the right of the Palestinian people to self-determination in accordance with the provisions of the Charter and relevant United Nations resolutions and declarations, and the provisions of international covenants and instruments relating to the right to selfdetermination as an international principle and as a right of all peoples in the world, as it is a *jus cogens* in international law and a basic condition for achieving a just, lasting and comprehensive peace in the region of the Middle East,

1. *Reaffirms* the inalienable, permanent and unqualified right of the Palestinian people to self-determination, including their right to live in freedom, justice and dignity and to establish their sovereign, independent, democratic and viable contiguous State;

2. *Also reaffirms* its support for the solution of two States, Palestine and Israel, living side by side in peace and security;

3. *Stresses* the need for respect for and preservation of the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory, including East Jerusalem;

4. *Urges* all Member States and relevant bodies of the United Nations system to support and assist the Palestinian people in the early realization of their right to selfdetermination;

5. *Decides* to continue the consideration of this question at its sixteenth session.

41st meeting
24 March 2010

[Adopted by a recorded vote of 45 to 1. The voting was as follows:

In favour: Angola, Argentina, Bahrain, Bangladesh, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Burkina Faso, Chile, China, Cuba, Djibouti, Egypt, France, Gabon, Ghana, Hungary, India, Indonesia, Italy, Japan, Jordan, Kyrgyzstan, Madagascar, Mauritius, Mexico, Netherlands, Nicaragua, Nigeria, Norway, Pakistan, Philippines, Qatar, Republic of Korea, Russian Federation, Saudi Arabia, Senegal, Slovakia, Slovenia, South Africa, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Zambia;

Against: United States of America.]

13/7. Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan

The Human Rights Council,

Guided by the principles of the Charter of the United Nations and affirming the inadmissibility of the acquisition of territory by force,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable instruments,

Recalling relevant resolutions of the Commission on Human Rights, the Human Rights Council, the Security Council and the General Assembly, reaffirming, inter alia, the illegality of the Israeli settlements in the occupied territories, including in East Jerusalem,

Mindful that Israel is a party to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, which is applicable de jure to Palestinian and all Arab territories occupied by Israel since 1967, including East Jerusalem, and the Syrian Golan, and recalling the declaration adopted by the Conference of High Contracting Parties to the Fourth Geneva Convention, held in Geneva on 5 December 2001,

Considering that the transfer by the occupying Power of parts of its own civilian population into the territory it occupies constitutes a breach of the Fourth Geneva Convention and relevant provisions of customary law, including those codified in Additional Protocol I to the Geneva Conventions of 12 August 1949,

Recalling the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, and its conclusion that the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, were established in breach of international law, *Recalling also* General Assembly resolution ES-10/15 of 20 July 2004 and other relevant United Nations resolutions,

Affirming that the Israeli settlement activities in the Occupied Palestinian Territory, including in East Jerusalem, constitute very serious violations of international humanitarian law and of the human rights of the Palestinian people therein and undermine international efforts, including the Annapolis Peace Conference of 27 November 2007 and the Paris International Donors' Conference for the Palestinian State of 17 December 2007, aimed at invigorating the peace process and establishing a viable, contiguous, sovereign and independent Palestinian State by the end of 2008,

Recalling its attachment to the implementation by both parties of their obligations under the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict (S/2003/529, annex), and noting specifically its call for a freeze on all settlement activity,

Expressing its grave concern about the continuation by Israel, the occupying Power, of settlement building and expansion in the Occupied Palestinian Territory, including in East Jerusalem, in violation of international humanitarian law and relevant United Nations resolutions, including plans to expand and connect Israeli settlements around Occupied East Jerusalem, thus threatening the creation of a contiguous Palestinian State,

Expressing its concern that continuing Israeli settlement activity undermines the realization of a two-State solution,

Expressing grave concern about the continuing construction, contrary to international law, by Israel of the wall inside the Occupied Palestinian Territory, including in and around East Jerusalem, and expressing its concern in particular about the route of the wall in departure from the Armistice Line of 1949, which could prejudge future negotiations and make the two-State solution physically impossible to implement and which is causing the Palestinian people further humanitarian hardship,

Deeply concerned that the wall's route has been traced in such a way as to include the great majority of the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem,

Expressing its concern at the failure of the Government of Israel to cooperate fully with the relevant United Nations mechanisms, in particular the Special Rapporteur on the situation of human rights in the Palestinian Territories occupied since 1967,

1. *Welcomes* the Council of the European Union conclusions on the Middle East peace process of 8 December 2009, in which the European Union Council of Ministers reiterated that settlements, the separation barrier where built on occupied land, demolition of homes and evictions are illegal under international law, constitute an obstacle to peace and threaten to make a two-State solution impossible, and particularly its urgent call upon the Government of Israel to immediately end all settlement activities, in East Jerusalem and the rest of the West Bank and including natural growth, and to dismantle all outposts erected since March 2001;

2. *Welcomes with appreciation* the statements made by the majority of the States Members of the United Nations on the illegality of settlement activities in the occupied

Palestinian territories, including East Jerusalem, and reaffirming the urgent calls by the international community upon the Government of Israel to immediately stop all settlement activities, including in East Jerusalem;

3. *Deplores* the recent Israeli announcements of the construction of new housing units for Israeli settlers in and around occupied East Jerusalem, as they undermine the peace process and the creation of a contiguous, sovereign and independent Palestinian State, and are in violation of international law and Israeli pledges at the Annapolis Peace Conference of 27 November 2007;

4. *Condemns* the new Israeli announcement on the construction of one hundred and twenty new housing units in the Bitar Elite settlement, and thousand six hundred new housing units for new settlers in the East Jerusalem neighbourhood of Ramat Shlomo, and calls upon the Government of Israel to immediately reverse its decision which would further undermine and jeopardize the ongoing efforts by the international community to reach a final settlement compliant with international legitimacy, including the relevant United Nations resolutions;

5. *Expresses its grave concern* at:

(a) The continuing Israeli settlement and related activities, in violation of international law, including the expansion of settlements, the expropriation of land, the demolition of houses, the confiscation and destruction of property, the expulsion of Palestinians and the construction of bypass roads, which change the physical character and demographic composition of the occupied territories, including East Jerusalem and the Syrian Golan, and constitute a violation of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and in particular article 49 of that Convention, and recalls that settlements are a major obstacle to the establishment of a just and comprehensive peace and to the creation of an independent, viable, sovereign and democratic Palestinian State;

(b) The Israeli planned settlement construction in the vicinity of the Adam settlements in the occupied West Bank, which constitutes a new settlement block;

(c) The increasing number of newly built structures, in 2008 and 2009, amounting to several thousand, including a large number of permanent buildings and structures, which undermine the efforts of the international community to advance the Middle East peace process;

(d) The so-called E-1 plan aimed at expanding the Israeli settlement of Maale Adumim and building the wall around it, thereby further disconnecting occupied East Jerusalem from the northern and southern parts of the West Bank and isolating its Palestinian population;

(e) The implications for the final status negotiations of Israel's announcement that it will retain the major settlement blocks in the Occupied Palestinian Territory, including settlements located in the Jordan Valley;

(f) The expansion of Israeli settlements and the construction of new ones on the Occupied Palestinian Territory rendered inaccessible behind the wall, which create a fait accompli on the ground that could well be permanent and would in that case be tantamount to de facto annexation;

(g) The Israeli decision to establish and operate a tramway between West Jerusalem and the Israeli settlement of Pisgat Zeev, which is in clear violation of international law and relevant United Nations resolutions;

(h*)* The continued closures of and within the Occupied Palestinian Territory and the restriction of the freedom of movement of people and goods, including the repeated closure of the crossing points of the Gaza Strip, which have created an extremely precarious humanitarian situation for the civilian population as well as impaired the economic and social rights of the Palestinian people;

(i) The continued construction, contrary to international law, of the wall inside the Occupied Palestinian Territory, including in and around East Jerusalem;

(j) The latest Israeli plan to demolish hundreds of houses in occupied East Jerusalem, including its decision to demolish more than eighty-eight houses in the Al-Bustan neighbourhood of Silwan, which would result in the displacement of more than two thousand Palestinian residents of East Jerusalem, in addition to the Israeli decision to evacuate Palestinian families from their houses in the Al-Sheikh Jarrah area of East Jerusalem and to replace them by Israeli settlers;

6. *Urges* Israel, the occupying Power:

(a) To reverse the settlement policy in the occupied territories, including East Jerusalem and the Syrian Golan, and, as a first step towards their dismantlement, to stop immediately the expansion of the existing settlements, including "natural growth" and related activities including in East Jerusalem;

(b) To prevent any new installation of settlers in the occupied territories, including in East Jerusalem;

7. *Urges* the full implementation of the Access and Movement Agreement of 15 November 2005, particularly the urgent reopening of Rafah and Karni crossings, which is crucial to ensuring the passage of foodstuffs and essential supplies, as well as the access of the United Nations agencies to and within the Occupied Palestinian Territory;

8. *Calls upon* Israel to implement the recommendations regarding the settlements made by the then United Nations High Commissioner for Human Rights in her report to the Commission on Human Rights at its fifty-seventh session on her visit to the occupied Palestinian territories, Israel, Egypt and Jordan (E/CN[illegible]01/114);

9. *Also calls upon* Israel to take and implement serious measures, including confiscation of arms and enforcement of criminal sanctions, with the aim of preventing acts of violence by Israeli settlers, and other measures to guarantee the safety and protection of the Palestinian civilians and Palestinian properties in the Occupied Palestinian Territory, including East Jerusalem;

10. *Demands* that Israel, the occupying Power, comply fully with its legal obligations, as mentioned in the Advisory Opinion rendered on 9 July 2004 by the International Court of Justice;

11. *Urges* the parties to give renewed impetus to the peace process in line with the Annapolis Peace Conference and the Paris International Donors' Conference for the Palestinian State and to implement fully the road map endorsed by the Security Council in resolution 1515 (2003) of 19 November 2003, with the aim of reaching a comprehensive political settlement in accordance with the resolutions of the Security Council, including resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973, and other relevant United Nations resolutions, the principles of the Peace Conference on the Middle East, held in Madrid on 30 October 1991, the Oslo Accords, the Arab Peace initiative and subsequent agreements, which will allow two States, Israel and Palestine, to live in peace and security;

12. *Decides* to continue the consideration of this question at its sixteenth session.

41st meeting
24 March 2010

[Adopted by a recorded vote of 46 to 1. The voting was as follows:

In favour: Angola, Argentina, Bahrain, Bangladesh, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Burkina Faso, Cameroon, Chile, China, Cuba, Djibouti, Egypt, France, Gabon, Ghana, Hungary, India, Indonesia, Italy, Japan, Jordan, Kyrgyzstan, Madagascar, Mauritius, Mexico, Netherlands, Nicaragua, Nigeria, Norway, Pakistan, Philippines, Qatar, Republic of Korea, Russian Federation, Saudi Arabia, Senegal, Slovakia, Slovenia, South Africa, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Zambia;

Against: United States of America]

13/8. The grave human rights violations by Israel in the Occupied Palestinian Territory, including East Jerusalem

The Human Rights Council,

Guided by the principles and objectives of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Considering that the promotion of respect for the obligations arising from the Charter and other instruments and rules of the international law is among the basic purposes and principles of the United Nations,

Affirming the responsibility of the international community to promote human rights and ensure respect for international law,

Acknowledging that peace, security, development and human rights are the pillars of the United Nations system,

Affirming the applicability of the fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, *Recalling* the obligations of the High Contracting Parties to the Fourth Geneva Convention and reaffirming that each High Contracting Party to the Fourth Geneva Convention is under the obligation to respect and ensure respect of their obligations arising from that convention,

Affirming the applicability of international human rights law to the Occupied Palestinian Territory, including East Jerusalem,

Emphasizing that international human rights law and international humanitarian law are complementary and mutually reinforcing,

Guided by the right of the Palestinian people to self-determination and the inadmissibility of the acquisition of land by the use of force, as enshrined in the Charter,

Stressing that the right to life constitutes the most fundamental of all human rights,

Deeply concerned at the illegal actions by Israel undermining the sanctity and inviolability of religious sites in the occupied Palestinian territories, in particular in the holy city of Jerusalem,

Expressing serious concern at the lack of implementation by the occupying Power, Israel, of the resolutions and recommendations of the Security Council, the General Assembly and the Human Rights Council relating to the situation of human rights in the Occupied Palestinian Territory, including East Jerusalem,

Condemning all forms of violence against civilians and deploring the loss of human lives in the context of the current situation,

Recognizing that the Israeli military attacks and operations in the Occupied Palestinian Territory, particularly the recent ones in the occupied Gaza Strip, have caused severe violations of international humanitarian law and of the human rights of the Palestinian people therein and undermine international efforts towards achieving a just and lasting peace in the region based on the two-States solution,

Recognizing also that the Israeli siege imposed on the occupied Gaza Strip, including the closure of border crossings, constitutes collective punishment and leads to disastrous humanitarian, economic, social and environmental consequences,

1. *Demands* that the occupying Power, Israel, end its occupation of the Palestinian land occupied since 1967, and that it respect its commitments within the peace process towards the establishment of the independent sovereign Palestinian State, with East Jerusalem as its capital, living in peace and security with all its neighbours;

2. *Strongly condemns* the Israeli military attacks and operations in the Occupied Palestinian Territory, particularly the recent ones in the occupied Gaza Strip, which have resulted in the killing and injury of thousands of Palestinian civilians, including a large number of women and children;

3. *Demands* that the occupying Power, Israel, stop the targeting of civilians and the systematic destruction of the cultural heritage of the Palestinian people, in addition to the destruction of public and private properties, as laid down in the Fourth Geneva Convention;

4. *Condemns* the disrespect for religious and cultural rights provided for in core human rights instruments and humanitarian law by the occupying Power, Israel, in the occupied Palestinian territories, including its recent announcement that it would add al-Haram al Ibrahimi in Hebron and Bilal Mosque ("Tomb of Rachel") in Bethlehem and the walls of the old city of Jerusalem to its list of national heritage sites;

5. *Demands* that Israel, the occupying Power, respect the religious and cultural rights in the occupied Palestinian territories, particularly in occupied East Jerusalem, as provided for in the Universal Declaration of Human Rights, the core international human rights instruments, the Hague Conventions and the Geneva Conventions, and that it allow Palestinian citizens and worshippers unhindered access to their properties and religious sites therein;

6. *Expresses its grave concern* at the excavation of ancient tombs and removal of hundreds of human remains from part of the historic Ma'man Allah (Mamila) Cemetery in the holy city of Jerusalem in order to construct a "museum of tolerance", and calls upon the Government of Israel to immediately desist from such illegal activities therein;

7. *Demands* that Israel, the occupying Power, immediately cease all diggings and excavation works beneath and around Al-Aqsa mosque compound and other religious sites in the old city of Jerusalem, and refrain from any act that may endanger the structure or foundations or change the nature of the holy sites, both Islamic and Christian, in the Occupied Palestinian Territory, particularly in and around Jerusalem;

8. *Calls for* the immediate international protection for the Palestinian people in the Occupied Palestinian Territory, in compliance with international human rights and humanitarian law, both applicable in the Occupied Palestinian Territory, including East Jerusalem;

9. *Also calls for* the immediate cessation of all Israeli military attacks and operations throughout the Occupied Palestinian Territory;

10. *Demands* that the occupying Power, Israel, immediately stop its illegal decision to demolish a large number of Palestinian houses in East Jerusalem, including in the neighbourhood area of Al-Bustan in Selwan, and the evacuation of Palestinian families in the Al-Sheikh Jarrah area of East Jerusalem, which is resulting in the displacement of more than two thousand resident Palestinians of East Jerusalem;

11. *Also demands* that the occupying Power, Israel, release Palestinian prisoners and detainees including women, children and members of the Palestinian Legislative Council;

12. *Calls upon* the occupying Power, Israel, to lift checkpoints and open all crossing points and borders according to relevant international agreements;

13. *Demands* that Israel, the occupying Power, immediately lift the siege imposed on the occupied Gaza Strip, and that it open all borders and crossing points, and allow the free access of fuel, humanitarian needs and medicine in addition to all necessary materials and equipment needed for the reconstruction and rehabilitation of Gaza as agreed upon at the International Conference in Support of the Palestinian Economy for the Reconstruction of Gaza, held in Sharm el-Sheikh, Egypt, on 2 March 2009;

14. *Decides* to continue the consideration of this question at its sixteenth session.

41st meeting
24 March 2010

[Adopted by a recorded vote of 31 to 9, with 7 abstentions. The voting was as follows:

In favour: Angola, Argentina, Bahrain, Bangladesh, Bolivia (Plurinational State of), Brazil, Chile, China, Cuba, Djibouti, Egypt, Gabon, Ghana, India, Indonesia, Jordan, Kyrgyzstan, Madagascar, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Uruguay, Zambia;

Against: Belgium, France, Hungary, Italy, Netherlands, Norway, Slovakia, United Kingdom of Great Britain and Northern Ireland, United States of America;

Abstaining: Bosnia and Herzegovina, Burkina Faso, Cameroon, Japan, Republic of Korea, Slovenia, Ukraine.]

13/9. Follow-up to the report of the United Nations Independent International Fact-Finding Mission on the Gaza Conflict

The Human Rights Council,

Recalling its relevant resolutions, including resolution S-9/1, adopted on 12 January 2009, and resolution S-12/1, adopted on 16 October 2010, in follow-up to the human rights situation in the Occupied Palestinian Territory, including East Jerusalem, and the report of the United Nations Independent International Fact-Finding Mission on the Gaza Conflict,

Recalling also relevant General Assembly resolutions, including resolution 64/10, adopted on 5 November 2009, and resolution 64/254, adopted on 26 February 2010, in follow-up to the report of the Fact-Finding Mission,

Recalling further the relevant rules and principles of international law, including international humanitarian and human rights law, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, which is applicable to the Occupied Palestinian Territory, including East Jerusalem,

Recalling the Universal Declaration of Human Rights and other international human rights instruments, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child,

Reaffirming the obligation of all parties to respect international humanitarian law and international human rights law,

Reiterating the importance of the safety and well-being of all civilians, and reaffirming the obligation to ensure the protection of civilians in armed conflict, *Stressing* the need to ensure accountability for all violations of international humanitarian law and international human rights law in order to prevent impunity, ensure justice, deter further violations and promote peace,

Convinced that achieving a just, lasting and comprehensive settlement of the question of Palestine, the core of the Arab-Israeli conflict, is imperative for the attainment of comprehensive, just and lasting peace and stability in the Middle East,

1. *Takes note* of the report of the Secretary-General (A/64/651), submitted pursuant to paragraph 6 of General Assembly resolution 64/10;

2. *Welcomes* the report of the Secretary-General on the status of implementation of paragraph 3 of section B of Council resolution S-12/1 (A/HRC/13/55);

3. *Also welcomes* the report of the United Nations High Commissioner for Human Rights on the implementation of Council resolutions S-9/1 and S-12/1 (A/HRC/13/54) and endorses the recommendations contained therein;

4. *Also reiterates* its call upon all concerned parties, including United Nations bodies, to ensure their implementation of the recommendations contained in the report of the United Nations Independent International Fact-Finding Mission on the Gaza Conflict, in accordance with their respective mandates;

5. *Further reiterates* the call by the General Assembly upon the Government of Israel to conduct investigations that are independent, credible and in conformity with international standards into the serious violations of international humanitarian and international human rights law reported by the Fact-Finding Mission, with a view to ensuring accountability and justice;

6. *Reiterates* the urging by the General Assembly for the conduct by the Palestinian side of investigations that are independent, credible and in conformity with international standards into the serious violations of international humanitarian and international human rights law reported by the Fact-Finding Mission, with a view to ensuring accountability and justice;

7. *Welcomes* the recommendation made by the General Assembly to the Government of Switzerland, in its capacity as depositary of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, to reconvene, as soon as possible, a conference of High-Contracting Parties to the Fourth Geneva Convention on measures to enforce the Convention in the Occupied Palestinian Territory, including East Jerusalem, and to ensure its respect in accordance with common article 1, bearing in mind the statement adopted on 15 July 1999 as well as the reconvening of the conference and the declaration adopted on 5 December 2001, and recommends that the Government of Switzerland reconvene the above-mentioned conference before the end of 2010;

8. *Calls upon* the High Commissioner to explore and determine the appropriate modalities for the establishment of an escrow fund for the provision of reparations to the Palestinians who suffered loss and damage as a result of unlawful acts attributable to the State of Israel during the military operations conducted from December 2008 to January 2009;

9. *Decides,* in the context of the follow-up to the report of the Independent International Fact-Finding Mission, to establish a committee of independent experts in international humanitarian and human rights laws to monitor and assess any domestic, legal or other proceedings undertaken by both the Government of Israel and the Palestinian side, in the light of General Assembly resolution 64/254, including the independence, effectiveness, genuineness of these investigations and their conformity with international standards;

10. *Requests* the High Commissioner to appoint the members of the committee of independent experts and to provide them with all the administrative, technical and logistic assistance required to enable them to fulfil their mandate promptly and efficiently;

11. *Requests* the Secretary-General to transmit all the information submitted by the Government of Israel and the Palestinian side pursuant to paragraphs 2 and 3 of General Assembly resolution 64/254 to the committee of independent experts;

12. *Requests* the committee of independent experts to present its report to the Council at its fifteenth session;

13. *Calls upon* the General Assembly to promote an urgent discussion on the future legality of the use of certain munitions as referred to in the report of the United Nations Independent International Fact-Finding Mission on the Gaza conflict, drawing, inter alia, on the expertise of the International Committee of the Red Cross;

14. *Requests* the Secretary-General to present a comprehensive report on the progress made in the implementation of the recommendations of the Fact-Finding Mission by all concerned parties, including United Nations bodies, in accordance with paragraph 3 of section B of resolution S-12/1, to the Council at its fifteenth session;

15. *Requests* the High Commissioner to present a report on the implementation of the present resolution to the Council at its fifteenth session;

16. *Also requests* the High Commissioner to submit to the Council, at its fourteenth session, a progress report on the implementation of the present resolution;

17. *Decides* to follow up on the implementation of the present resolution at its fifteenth session.

42nd meeting
25 March 2010

[Adopted by a recorded vote of 29 to 6, with 11 abstentions. The voting was as follows:

In favour:	Angola, Argentina, Bahrain, Bangladesh, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, China, Cuba, Djibouti, Egypt, Ghana, India, Indonesia, Jordan, Kyrgyzstan, Mauritius, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, Slovenia, South Africa, Uruguay, Zambia;
Against:	Hungary, Italy, Netherlands, Slovakia, Ukraine, United States of America;
Abstaining:	Belgium, Burkina Faso, Cameroon, Chile, France, Japan, Madagascar, Mexico, Norway, Republic of Korea, United Kingdom of Great Britain and Northern Ireland.]

13/10. Adequate housing as a component of the right to an adequate standard of living, in the context of mega-events

The Human Rights Council,

Recalling all previous resolutions on adequate housing of the Council and the Commission on Human Rights, in particular Council resolution 6/27 of 14 December 2007 and Commission resolution 2004/28 of 16 April 2004,

Reaffirming that international human rights law instruments, including the International Covenant on Economic, Social and Cultural Rights and the Universal Declaration of Human Rights, entail obligations and commitments of States parties in relation to access to adequate housing,

Recalling the principles and commitments with regard to adequate housing enshrined in the relevant provisions of declarations and programmes adopted by major United Nations conferences and summits and at special sessions of the General Assembly and by their follow-up meetings, inter alia, the Istanbul Declaration on Human Settlements and the Habitat Agenda (A/CONF.165/14), and the Declaration on Cities and Other Human Settlements in the New Millennium adopted at the twenty-fifth special session of the Assembly, and annexed to its resolution S-25/2 of 9 June 2001,

Noting the work of the United Nations treaty bodies, in particular the Committee on Economic, Social and Cultural Rights, in the promotion of the rights related to adequate housing, including its general comments Nos. 4, 7, 9 and 16,

Concerned that any deterioration in the general housing situation disproportionally affects persons living in conditions of poverty, low-income earners, women, children, persons belonging to minorities and indigenous peoples, migrants, the elderly and persons with disabilities,

Recognizing that "mega-events", that is, large-scale events of limited duration and diverse nature, including major international sporting or cultural events, can provide a major opportunity to enhance the housing stock and to improve the related infrastructure in host countries,

1. *Acknowledges with appreciation* the work of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, including the undertaking of country missions;

2. *Acknowledges* the Special Rapporteur's annual report on the realization of the right to adequate housing in the context of mega-events (A/HRC/13/20);

3. *Calls upon* States, in the context of mega-events, to promote the right to adequate housing and to create a sustainable, development-oriented housing legacy, and to strive in this regard:

(a) To integrate housing concerns into the bidding and planning process at an early stage and, in this regard, to assess the impact on the affected population throughout the process, as appropriate;

(b) To ensure full transparency of the planning and implementation process and the meaningful participation of the affected local communities therein;

(c) To pay particular attention to persons belonging to vulnerable and marginalized groups, including by respecting the principles of non-discrimination and gender equality;

(d) To plan and develop the event venues with the post-event period in view, while taking into account the needs of socially disadvantaged persons for affordable housing;

(e) To ensure, consistent with the domestic legal framework and international human rights obligations, that the right to adequate housing of affected persons in the context of mega-events is respected, while giving due consideration to issues such as insecurity of tenure;

(f) To explore alternatives to evictions and to undertake any such evictions as may be necessary in accordance with the domestic legal framework and in full compliance with the relevant provisions of international human rights law, including those for adequate and effective remedies;

4. *Encourages* States to share with the Special Rapporteur good practices with regard to the realization of the right to adequate housing in the context of mega-events;

5. *Requests* the Special Rapporteur to consider, as appropriate, the issue of mega-events in the context of her work;

6. *Notes with appreciation* the cooperation extended to date to the Special Rapporteur by different actors, and calls upon States to continue to cooperate with the Special Rapporteur in the discharge of her mandate and to respond favourably to her requests for information and visits;

7. *Requests* the United Nations High Commissioner for Human Rights to continue to ensure that the Special Rapporteur receives the necessary resources to enable her to discharge her mandate fully;

8. *Decides* to continue its consideration of this matter under the same agenda item and in accordance with its programme of work.

42nd meeting
25 March 2010

[Adopted without a vote]

13/11. Human rights of persons with disabilities: national implementation and monitoring and introducing as the theme for 2011 the role of international cooperation in support of national efforts for the realization of the rights of persons with disabilities

The Human Rights Council,

Reaffirming the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the need for persons with disabilities to be guaranteed the full enjoyment of their rights and freedoms without discrimination,

Reaffirming also its resolutions 7/9 of 27 March 2008 and 10/7 of 26 March 2009, and welcoming the efforts of all stakeholders to implement those resolutions,

Reaffirming further its commitment to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, to promote respect for their inherent dignity and to eliminate discrimination against persons with disabilities,

Stressing the importance of effective national legislative, policy and institutional frameworks for the full enjoyment of rights by persons with disabilities,

Acknowledging that the Convention on the Rights of Persons with Disabilities is the first human rights instrument to contain specific provisions for national implementation and monitoring, and reaffirming the provisions to that effect contained in article 33 of the Convention,

Highlighting the fact that the majority of persons with disabilities live in conditions of poverty and, in this regard, recognizing the critical need to address the negative impact of poverty on persons with disabilities, bearing in mind that an estimated 80 per cent of persons with disabilities live in developing countries, including least developed countries,

Recognizing the importance of international cooperation and its promotion in support of national efforts for the realization of the purpose and objectives of the Convention on the Rights of Persons with Disabilities, including for improving the living conditions of persons with disabilities in all countries, particularly developing countries and including least developed countries,

Emphasizing the role of relevant national data collection in the effective implementation of the Convention,

Conscious of the added value of collecting and sharing information and experiences on national implementation,

1. *Welcomes* the fact that, to date, one hundred and forty-four States and one regional integration organization have signed and eighty-three ratified the Convention on the Rights of Persons with Disabilities, and that eighty-eight have signed and fifty-two have ratified the Optional Protocol, and calls upon those States and regional integration organizations that have not yet ratified or acceded to the Convention and the Optional Protocol to consider doing so as a matter of priority;

2. *Encourages* States that have ratified the Convention and have submitted one or more reservations to the Convention to implement a process to review regularly the effect and continued relevance of such reservations, and to consider the possibility of withdrawing them;

3. *Welcomes* the thematic study on the structure and role of national mechanisms in the implementation and monitoring of the Convention, prepared by the Office of the United Nations High Commissioner for Human Rights (A/HRC/13/29), and calls upon all stakeholders to consider the findings and recommendations of the study;

4. *Reaffirms* the important role that national monitoring mechanisms, including independent mechanisms such as national human rights institutions, play in protecting and promoting the rights of persons with disabilities;

5. *Encourages* all States to maintain or establish appropriate domestic frameworks and mechanisms to effectively protect and promote the rights of persons with disabilities;

6. *Calls upon* States parties to the Convention, when maintaining, strengthening, designating or establishing domestic mechanisms and frameworks for the implementation and monitoring of the Convention, to take the opportunity to review and strengthen existing structures for the promotion and protection of the rights of persons with disabilities, including by ensuring that:

(a) Governmental focal points and, where established, coordination mechanisms for the implementation of the Convention have an appropriate mandate that fully enables them to develop, coordinate and carry out a coherent strategy for the domestic implementation of the Convention;

(b) Coordination mechanisms within Government, where established, include representatives from relevant Government agencies, and that such mechanisms and/or focal points consult closely with and actively involve civil society, in particular organizations of persons with disabilities;

(c) The frameworks to promote, protect and monitor the implementation of the Convention include one or more independent mechanisms, as appropriate, that take into account the principles relating to the status and functioning of the national institutions for protection and promotion of human rights (Paris Principles);

7. *Encourages* States parties to share information with the Office of the High Commissioner on the decisions taken regarding focal points, coordination mechanisms and monitoring frameworks for the implementation and monitoring of the Convention;

8. *Reaffirms* that civil society, in particular persons with disabilities and their representative organizations, should be involved and participate fully in the monitoring process of the Convention;

9. *Encourages* States to ensure that the mandates of Government focal points, coordination mechanisms and monitoring frameworks include promoting awareness of the Convention and that these bodies are adequately resourced;

10. *Encourages* States and regional integration organizations to facilitate and support capacity-building, including through the exchange and sharing of information, experiences and best practices on national implementation and monitoring of the Convention, in line with the recognition of the importance of international cooperation and its promotion in support of national efforts for the realization of the rights of persons with disabilities;

11. *Encourages* States, between and among themselves and, as appropriate, in partnership with relevant international and regional organizations and civil society to ensure that international cooperation, including international development programmes, is inclusive of and accessible to persons with disabilities;

12. *Decides* to continue to integrate the rights of persons with disabilities into its work, in accordance with its resolution 7/9;

13. *Also decides* that its next annual interactive debate on the rights of persons with disabilities will be held at its sixteenth session, and that it will focus on the role of international cooperation in support of national efforts to realize the purpose and objectives of the Convention;

14. *Requests* the Office of the High Commissioner to prepare a study to enhance awareness of the role played by international cooperation in support of national efforts for the realization of the purpose and objectives of the Convention, in consultation with relevant stakeholders, including States, regional organizations, including regional integration organizations, the Special Rapporteur on disability of the Commission for Social Development, civil society organizations, including organizations of persons with disabilities, and national human rights institutions, and requests that the study be made available on the website of the Office of the High Commissioner, in an accessible format, prior to the sixteenth session of the Council;

15. *Encourages* organizations of persons with disabilities, national monitoring bodies and human rights institutions to participate actively in the debate referred to in paragraph 13 above, as well as in regular and special sessions of the Council and its working groups;

16. *Requests* the Secretary-General to continue to ensure that the Office of the High Commissioner, in its mandates on the rights of persons with disabilities, and the Committee on the Rights of Persons with Disabilities are adequately resourced for the fulfilment of their tasks;

17. *Reiterates* the commitment of States to ensure accessibility for all persons with disabilities to the physical, social, economic and cultural environment, to health, education, information and communication, in order to enable them to enjoy fully all human rights and fundamental freedoms;

18. *Requests* the Secretary-General and the High Commissioner to continue the progressive implementation of standards and guidelines for the accessibility of facilities and services of the United Nations system, also taking into account relevant provisions of the Convention on the Rights of Persons with Disabilities, and underlines that the Council, including its Internet resources, should be fully accessible to persons with disabilities.

42nd meeting
25 March 2010

[Adopted without a vote]

13/12. Rights of persons belonging to national or ethnic, religious and linguistic minorities

The Human Rights Council,

Recalling the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, and bearing in mind article 27 of the International Covenant on Civil and Political Rights and other relevant existing international standards and national legislation,

Recalling also all previous resolutions on the rights of persons belonging to national or ethnic, religious and linguistic minorities adopted by the General Assembly, the Commission on Human Rights and the Council, including Council resolutions 6/15 of 28 September 2007 and 7/6 of 27 March 2008,

Emphasizing the need for reinforced efforts to meet the goal of the full realization of the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Stressing that the lack of equal opportunities and equal access to education for many persons belonging to minorities, in particular minority children, prevents them from contributing fully to their own communities and to the wider society, and perpetuates the cycle of poverty experienced acutely by persons belonging to minorities facing discrimination, economic marginalization and social exclusion,

Stressing also that the effective participation of persons belonging to minorities in national political, cultural, religious, economic and social processes of their societies is of paramount importance for their full and equal enjoyment of all human rights, and contributes to the alleviation of tensions, serves the purpose of conflict prevention and increases stability and social cohesion,

1. *Urges* States to review, enact and amend their legislation, where necessary, as well as their educational policies and systems, to ensure the realization of the right to education, as set out in the Universal Declaration of Human Rights, to eliminate discrimination and to provide for equal access to quality education for persons belonging to minorities, in particular minority children, while protecting their identity, as enshrined in the Declaration, and promoting integration, social inclusion and a prosperous and stable society;

2. *Also urges* States to develop appropriate mechanisms for effective participation of and consultation with persons belonging to minorities in order to take into account their views in decision-making processes affecting them, with a view to promoting greater participation in the political processes of the country and providing inclusive, informed and sustainable policymaking and implementation;

3. *Welcomes* the successful completion of the first two sessions of the Forum on Minority Issues addressing the right to education and the right to effective political participation and which, through the widespread participation of stakeholders, provided an important platform for promoting dialogue on these topics, and as part of its outcome identified in its recommendations best practices and challenges for the further implementation of the Declaration

on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, and encourages States to take into consideration, as appropriate, relevant recommendations of the Forum;

4. *Commends* the independent expert on minority issues for the work undertaken to date, for the important role that she has played in raising the level of awareness of and in giving added visibility to the rights of persons belonging to national or ethnic, religious and linguistic minorities, and for her guiding role in the preparation and work of the Forum on minority issues, which contributes to efforts to improve cooperation among all United Nations mechanisms relating to the rights of persons belonging to minorities;

5. *Takes note* of the reports of the independent expert (A/HRC/10/11 and A/HRC/13/23) and of the Secretary-General (A/HRC/9/8, A/HRC/10/38 and A/HRC/10/38 Add.1) providing, inter alia, an overview of minority-related activities of the Office of the United Nations High Commissioner for Human Rights and other United Nations mechanisms, such as the treaty bodies and the special procedures;

6. *Welcomes* the inter-agency cooperation of United Nations agencies, funds and programmes on minority issues, led by the Office of the High Commissioner, and urges them to further increase their cooperation by, inter alia, developing policies on the promotion and protection of rights of persons belonging to minorities, drawing also on relevant outcomes of the meetings of the Forum;

7. *Invites* the human rights treaty bodies and special procedures of the Council to continue to give attention, within their respective mandates, to the situations and rights of persons belonging to minorities and, in this regard, to take into consideration relevant recommendations of the Forum;

8. *Requests* the High Commissioner to present an annual report to the Council containing information on relevant developments of United Nations human rights bodies and mechanisms, as well as on the activities undertaken by the Office of the High Commissioner at Headquarters and in the field that contribute to the promotion of and respect for the provisions of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;

9. *Requests* the Office of the High Commissioner to prepare a compilation of existing manuals, guides, training material and other tools dealing with minority issues by various United Nations entities, and to present the compilation to the Council at its sixteenth session;

10. *Requests* the Secretary-General and the High Commissioner to continue to provide all the human, technical and financial assistance necessary for the effective fulfilment of the mandate of the independent expert and for the activities of the Office of the High Commissioner in the area of rights of persons belonging to minorities;

11. *Decides* to continue its consideration of this issue in accordance with its annual programme of work.

42nd meeting
25 March 2010

[Adopted without a vote]

13/13. Protection of human rights defenders

The Human Rights Council,

Recalling General Assembly resolution 53/144 of 9 December 1998, by which the Assembly adopted by consensus the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms annexed to that resolution, and reiterating the importance of the Declaration and its promotion and implementation,

Recalling also the continued validity and application of all the provisions of the above-mentioned Declaration,

Recalling further all previous resolutions on this subject, in particular General Assembly resolution 64/163 of 18 December 2009 and Human Rights Council resolution 7/8 of 27 March 2008,

Stressing that the level of respect and support for human rights defenders and their work is important to the overall enjoyment of human rights,

Gravely concerned by threats, harassment, violence, including gender-based violence, and attacks faced by many human rights defenders, reflected, inter alia, in the reports of the Special Rapporteur on the situation of human rights defenders and other human rights mechanisms,

Gravely concerned also that, in some instances, national security and counter-terrorism legislation and other measures have been misused to target human rights defenders or have hindered their work and endangered their safety in a manner contrary to international law,

Recognizing the immediate need to put an end to and take concrete steps to prevent threats, harassment, violence, including gender-based violence, and attacks by States and non-State actors against all those engaged in the promotion and protection of human rights and fundamental freedoms for all,

1. *Takes note* of the report of the Special Rapporteur on the situation of human rights defenders (A/HRC/13/22) on the security and protection of human rights defenders;

2. *Urges* States to promote a safe and enabling environment in which human rights defenders can operate free from hindrance and insecurity;

3. *Underscores* that the legal framework within which human rights defenders work peacefully to promote and protect human rights and fundamental freedoms is that of national legislation consistent with the Charter of the United Nations and international human rights law;

4. *Urges* States to publicly acknowledge the legitimate role of human rights defenders and the importance of their work as an essential component of ensuring their protection;

5 *Encourages* States to create and strengthen mechanisms for consultation and dialogue with human rights defenders, including through establishing a focal point for human rights defenders within the public administration where it does not exist, with the aim of, inter alia, identifying specific needs for protection, including those of women human rights defenders,

and ensuring the participation of human rights defenders in the development and implementation of targeted protection measures;

6. *Urges* States to take timely and effective action to prevent and protect against attacks on and threats to persons engaged in promoting and defending human rights and fundamental freedoms in accordance with the Declaration and their relatives, when they are attacked or threatened as a result of these activities, including through the possibility of developing, in consultation with human rights defenders, an early warning system to facilitate broader awareness of imminent risks and to enable effective responses;

7. *Also urges* States not to discriminate against human rights defenders on any grounds, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and to desist, in this context, from any discriminatory measures against them, including intimidation, profiling, confiscation of assets, suspension of activities and exclusion from national consultative processes;

8. *Calls upon* States to fully support the role of human rights defenders in situations of armed conflict and provide them with the protection due to all civilians in such situations;

9. *Welcomes* the role of national human rights institutions as human rights defenders and protectors, and encourages States to strengthen the mandate and capacity of national human rights institutions where they exist, as necessary, to enable them to fulfil this role effectively and in accordance with the Paris Principles;

10. *Calls upon* States to ensure both coordination within national and local levels and that those involved in the protection of human rights defenders and their relatives are trained in human rights and the protection-related needs of human rights defenders at risk, including those promoting the rights of members of marginalized groups;

11. *Also calls upon* States to allocate resources for the effective implementation of necessary protection measures, including specific training for persons involved in their implementation;

12. *Urges* States to investigate, in a prompt, effective, independent and accountable manner, complaints and allegations regarding threats or human rights violations perpetrated against human rights defenders or their relatives and to initiate, when appropriate, proceedings against the perpetrators so as to ensure that impunity for such acts is eliminated;

42nd meeting
25 March 2010

[Adopted without a vote]

13/14. Situation of human rights in the Democratic People's Republic of Korea

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other human rights instruments,

Recalling all previous resolutions adopted by the Commission on Human Rights, the Human Rights Council and the General Assembly on the situation of human rights in the Democratic People's Republic of Korea, including Council resolution 10/16 of 26 March 2009 and Assembly resolution 64/175 of 18 December 2009, and urging the implementation of those resolutions,

Bearing in mind paragraph 3 of General Assembly resolution 60/251 of 15 March 2006,

Recalling Council resolutions 5/1 on institution-building of the United Nations Human Rights Council, and 5/2 on the code of conduct for special procedures mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

Bearing in mind the reports on the situation of human rights in the Democratic People's Republic of Korea submitted by the Special Rapporteur (A/64/224 and A/HRC/13/47) and urging the implementation of the recommendations contained therein,

Deeply concerned at the continuing reports of systematic, widespread and grave violations of civil, political, economic, social and cultural rights in the Democratic People's Republic of Korea and at the unresolved questions of international concern relating to the abduction of nationals of other States, and urging the Government of the Democratic People's Republic of Korea to respect all human rights and fundamental freedoms fully,

Deploring the grave, widespread and systematic human rights abuses in the Democratic People's Republic of Korea, in particular the use of torture and labour camps against political prisoners and repatriated citizens of the Democratic People's Republic of Korea,

Deeply regretting the refusal of the Government of the Democratic People's Republic of Korea to recognize the mandate of the Special Rapporteur or to extend full cooperation to him, and allow him access to the country,

Alarmed by the precarious humanitarian situation in the country,

Reaffirming that it is the responsibility of the Government of the Democratic People's Republic of Korea to ensure the full enjoyment of all human rights and fundamental freedoms of its entire population,

Recognizing the particular vulnerability of women, children, persons with disabilities and the elderly, and the need to ensure their protection against neglect, abuse, exploitation and violence,

Acknowledging the participation by the Government of the Democratic People's Republic of Korea in the universal periodic review in December 2009 as the State under review, and reaffirming the importance of States' engaging fully and positively with the universal periodic review process as well as with other mechanisms of the Council towards the improvement of their human rights situations,

1. *Expresses serious concern* at ongoing grave, widespread and systematic human rights violations in the Democratic People's Republic of Korea;

2. *Commends* the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea for the activities undertaken to date and his continued efforts in the conduct of the mandate, despite the limited access to information;

3. *Decides* to extend the mandate of the Special Rapporteur, in accordance with Council resolution 10/16, for a period of one year;

4. *Urges* the Government of the Democratic People's Republic of Korea to cooperate fully with the Special Rapporteur and to permit him unrestricted access to visit the country and to provide him with all necessary information to enable him to fulfil his mandate;

5. *Also urges* the Government of the Democratic People's Republic of Korea to ensure full, rapid and unimpeded access of humanitarian assistance that is delivered on the basis of need, in accordance with humanitarian principles, coupled with adequate monitoring;

6. *Encourages* the United Nations, including the specialized agencies, regional intergovernmental organizations, mandate holders, interested institutions and independent experts and non-governmental organizations, to develop regular dialogue and cooperation with the Special Rapporteur in the fulfilment of his mandate;

7. *Requests* the Secretary-General to provide the Special Rapporteur with all assistance and adequate staffing necessary to carry out his mandate effectively and to ensure that this mechanism works with the support of the Office of the United Nations High Commissioner for Human Rights;

8. *Invites* the Special Rapporteur to submit regular reports on the implementation of his mandate to the Council and the General Assembly.

42nd meeting
25 March 2010

[Adopted by a recorded vote of 28 to 5, with 13 abstentions. The voting was as follows:

In favour: Argentina, Bahrain, Belgium, Bosnia and Herzegovina, Brazil, Burkina Faso, Chile, Djibouti, France, Ghana, Hungary, Italy, Japan, Jordan, Madagascar, Mauritius, Mexico, Netherlands, Norway, Republic of Korea, Saudi Arabia, Slovakia, Slovenia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Zambia;

Against: China, Cuba, Egypt, Indonesia, Russian Federation;

Abstaining: Angola, Bangladesh, Bolivia (Plurinational State of), Cameroon, India, Kyrgyzstan, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Senegal, South Africa.]

13/15. United Nations declaration on human rights education and training

The Human Rights Council,

Recalling Council resolutions 6/10 of 28 September 2007 and 10/28 of 27 March 2009, in which the Council mandated the Advisory Committee to elaborate a draft United Nations declaration on human rights education and training and to submit it to the Council at its thirteenth session,

Welcoming the open and rich debate witnessed during the high-level discussion on the draft declaration, held on 2 March 2010, in accordance with Council decision 12/118 of 1 October 2009,

Welcoming also the submission of the draft declaration by the Advisory Committee contained in its study submitted to the Council (A/HRC/13/41),

1. *Decides* to establish an open-ended intergovernmental working group with the mandate of negotiating, finalizing and submitting to the Council the draft United Nations declaration on human rights education and training on the basis of the draft submitted by the Advisory Committee;

2. *Also decides* that the working group shall meet for a maximum of five working days before its sixteenth session;

3. *Welcomes* the decision of the Platform on Human Rights Education and Training to hold open-ended informal consultations prior to the convening of the working group;

4. *Requests* the Office of the United Nations High Commissioner for Human Rights to provide the working group with the necessary assistance for it to fulfil its mandate, including by circulating to all Member States and in all official languages of the United Nations the draft declaration contained in the study of the Advisory Committee;

5. *Requests* the President of the Council to invite the Rapporteur of the Advisory Committee drafting group on the draft declaration to participate in the meetings of the working group.

42nd meeting
25 March 2010

[Adopted without a vote]

13/16. Combating defamation of religions

The Human Rights Council,

Reaffirming the pledge made by all States under the Charter of the United Nations to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion, *Reaffirming also* that all human rights are universal, indivisible, interdependent and interrelated,

Recalling the 2005 World Summit Outcome adopted by the General Assembly in its resolution 60/1 of 16 September 2005, in which the Assembly emphasized the responsibilities of all States, in conformity with the Charter, to respect human rights and fundamental freedoms for all, without distinction of any kind, and acknowledged the importance of respect and understanding for religious and cultural diversity throughout the world,

Recognizing the valuable contribution of all religions to modern civilization and the contribution that dialogue among civilizations can make towards improved awareness and understanding of the common values shared by all humankind,

Welcoming the resolve expressed in the United Nations Millennium Declaration, adopted by the General Assembly in its resolution 55/2 on 8 September 2000, to take measures to eliminate the increasing acts of racism and xenophobia in many societies and to promote greater harmony and tolerance in all societies, and looking forward to its effective implementation at all levels,

Underlining in this regard the importance of the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, in 2001 (A/CONF.189/12) and the Outcome Document of the Durban Review Conference, held in Geneva in April 2009 (A/CONF.211/8), and welcoming the progress achieved in implementing them, and emphasizing that they constitute a solid foundation for the elimination of all scourges and manifestations of racism, racial discrimination, xenophobia and related intolerance,

Welcoming all international and regional initiatives to promote cross-cultural and interfaith harmony, including the Alliance of Civilizations, the International Dialogue on Interfaith Cooperation for Peace and Harmony and the Dialogue among the Followers of World Religions and Cultures, and their valuable efforts towards promoting a culture of peace and dialogue at all levels,

Welcoming also the reports of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance submitted to the Council at its fourth, sixth and ninth sessions (A/HRC/4/19, A/HRC/6/6 and A/HRC/9/12), in which the Special Rapporteur highlighted the serious nature of the defamation of all religions and the need to complement legal strategies,

Noting with deep concern the instances of intolerance, discrimination and acts of violence against followers of certain faiths occurring in many parts of the world, including cases motivated by Islamophobia, anti-Semitism and Christianophobia, in addition to the negative projection of certain religions in the media and the introduction and enforcement of laws and administrative measures that specifically discriminate against and target persons with certain ethnic and religious backgrounds, particularly Muslim minorities following the events of 11 September 2001, and that threaten to impede their full enjoyment of human rights and fundamental freedoms, *Stressing* that defamation of religions is a serious affront to human dignity leading to a restriction on the freedom of religion of their adherents and incitement to religious hatred and violence,

Noting with concern that defamation of religions and incitement to religious hatred in general could lead to social disharmony and violations of human rights, and alarmed at the inaction of some States in combatting this burgeoning trend and the resulting discriminatory practices against adherents of certain religions and, in this context, stressing the need to effectively combat defamation of all religions and incitement to religious hatred in general and against Islam and Muslims in particular,

Convinced that respect for cultural, ethnic, religious and linguistic diversity, as well as dialogue among and within civilizations, is essential for global peace and understanding, while manifestations of cultural and ethnic prejudice, religious intolerance and xenophobia generate hatred and violence among peoples and nations,

Underlining the important role of education in the promotion of tolerance, which involves acceptance by the public of and its respect for diversity,

Noting the various regional and national initiatives to combat religious and racial intolerance against specific groups and communities and emphasizing, in this context, the need to adopt a comprehensive and non-discriminatory approach to ensure respect for all races and religions, as well as various regional and national initiatives,

Recalling its resolution 10/22 of 26 March 2009 and General Assembly resolution 64/156 of 18 December 2009,

1. *Takes note* of the report of the United Nations High Commissioner for Human Rights on the possible correlation between defamation of religions and the upsurge in incitement, intolerance and hatred in many parts of the world (A/HRC/13/57) and the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/HRC/12/38) presented to the Council at its twelfth session;

2. *Expresses deep concern* at the negative stereotyping and defamation of religions and manifestations of intolerance and discrimination in matters of religion or belief still evident in the world, which have led to intolerance against the followers of these religions;

3. *Strongly deplores* all acts of psychological and physical violence and assaults, and incitement thereto, against persons on the basis of their religion or belief, and such acts directed against their businesses, properties, cultural centres and places of worship, as well as targeting of holy sites, religious symbols and venerated personalities of all religions;

4. *Expresses deep concern* at the continued serious instances of deliberate stereotyping of religions, their adherents and sacred persons in the media, as well as programmes and agendas pursued by extremist organizations and groups aimed at creating and perpetuating stereotypes about certain religions, in particular when condoned by Governments;

5. *Notes with deep concern* the intensification of the overall campaign of defamation of religions and incitement to religious hatred in general, including the ethnic and religious profiling of Muslim minorities in the aftermath of the tragic events of 11 September 2001;

6. *Recognizes* that, in the context of the fight against terrorism, defamation of religions and incitement to religious hatred in general have become aggravating factors that contribute to the denial of fundamental rights and freedoms of members of target groups, as well as to their economic and social exclusion;

7. *Expresses deep concern* in this respect that Islam is frequently and wrongly associated with human rights violations and terrorism and, in this regard, regrets the laws or administrative measures specifically designed to control and monitor Muslim minorities, thereby stigmatizing them and legitimizing the discrimination they experience;

8. *Strongly condemns* in this regard the ban on the construction of minarets of mosques and other recent discriminatory measures, which are manifestations of Islamophobia which stand in sharp contradiction to international human rights obligations concerning freedoms of religion, belief, conscience and expression, and stresses that such discriminatory measures would fuel discrimination, extremism and misperception leading to polarization and fragmentation with dangerous unintended and unforeseen consequences;

9. *Reaffirms* the commitment of all States to the implementation, in an integrated manner, of the United Nations Global Counter-terrorism Strategy, adopted without a vote by the General Assembly in its resolution 60/288 of 8 September 2006 and reaffirmed by the Assembly in its resolution 62/272 of 5 September 2008, and in which it clearly reaffirms, inter alia, that terrorism cannot and should not be associated with any religion, nationality, civilization or group, as well as the need to reinforce the commitment of the international community to promote, among other things, a culture of peace and respect for all religions, beliefs, and cultures and to prevent the defamation of religions;

10. *Deplores* the use of the print, audio-visual and electronic media, including the Internet, and any other means to incite acts of violence, xenophobia or related intolerance and discrimination against any religion, as well as the targeting of religious symbols and venerated persons;

11. *Emphasizes* that, as stipulated in international human rights law, including articles 19 and 29 of the Universal Declaration of Human Rights and articles 19 and 20 of the International Covenant on Civil and Political Rights, everyone has the right to hold opinions without interference and the right to freedom of expression, the exercise of which carries with it special duties and responsibilities and may therefore be subject to limitations only as provided for by law and are necessary for respect of the rights or reputations of others, protection of national security or of public order, public health or morals and general welfare;

12. *Reaffirms* that general comment No. 15 of the Committee on the Elimination of Racial Discrimination, in which the Committee stipulated that the prohibition of the dissemination of all ideas based upon racial superiority or hatred is compatible with freedom of opinion and expression, is equally applicable to the question of incitement to religious hatred;

13. *Strongly condemns* all manifestations and acts of racism, racial discrimination, xenophobia and related intolerance against national or ethnic, religious and linguistic minorities and migrants and the stereotypes often applied to them, including on the basis of religion or

belief, and urges all States to apply and, where required, reinforce existing laws when such xenophobic or intolerant acts, manifestations or expressions occur, in order to deny impunity for those who commit such acts;

14. *Urges* all States to provide, within their respective legal and constitutional systems, adequate protection against acts of hatred, discrimination, intimidation and coercion resulting from defamation of religions and incitement to religious hatred in general, and to take all possible measures to promote tolerance and respect for all religions and beliefs;

15. *Underscores* the need to combat defamation of religions and incitement to religious hatred in general by strategizing and harmonizing actions at the local, national, regional and international levels through education and awareness-building;

16. *Calls upon* all States to make the utmost effort, in accordance with their national legislation and in conformity with international human rights and humanitarian law, to ensure that religious places, sites, shrines and symbols are fully respected and protected, and to take additional measures in cases where they are vulnerable to desecration or destruction;

17. *Recognizes* that the open, constructive and respectful debate of ideas, as well as interfaith and intercultural dialogue at the local, national and international levels, can play a positive role in combating religious hatred, incitement and violence;

18. *Calls for* strengthened international efforts to foster a global dialogue for the promotion of a culture of tolerance and peace at all levels, based on respect for human rights and diversity of religions and beliefs, and urges States, non-governmental organizations and religious leaders as well as the print and electronic media to support and foster such a dialogue;

19. *Takes note with appreciation* the intention of the High Commissioner to provide further support for the progressive development of international human rights law in respect of freedom of expression and incitement to hatred, discrimination and violence;

20. *Welcomes* in this regard the plan of the Office of the High Commissioner to hold a series of expert workshops to examine legislation, judicial practices and national policies in different regions, in order to assess different approaches to prohibiting incitement to hatred, as stipulated in article 20 of the International Covenant on Civil and Political Rights, without prejudice to the mandate of the Ad Hoc Committee on complementary standards, and requests the High Commissioner to continue to build on such initiatives, with a view to contributing concretely to the prevention and elimination of all forms of incitement and its consequences of negative stereotyping of religions or beliefs and their adherents which affect the enjoyment of human rights of concerned individuals and communities;

21. *Requests* the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to report on all manifestations of defamation of religions, and in particular on the ongoing serious implications of Islamophobia, for the enjoyment of all rights by their followers, to the Council at its fifteenth session.

42nd meeting
25 March 2010

[Adopted by a recorded vote of 20 to 17, with 8 abstentions. The voting was as follows:

In favour: Bahrain,, Bangladesh, Bolivia (Plurinational State of), Burkina Faso, China, Cuba, Djibouti, Egypt, Indonesia, Jordan, Kyrgyzstan, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa;

Against: Argentina, Belgium, Chile, France, Hungary, Italy, Mexico, Netherlands, Norway, Republic of Korea, Slovakia, Slovenia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Zambia;

Abstaining: Bosnia and Herzegovina, Brazil, Cameroon, Ghana, India, Japan, Madagascar, Mauritius.]

13/17. The Social Forum

The Human Rights Council,

Recalling all previous resolutions and decisions adopted on the Social Forum by the Commission on Human Rights and its Subcommission on the Promotion and Protection of Human Rights, as well as by the Economic and Social Council,

Recalling also its resolutions 5/1 of 18 June 2007, 6/13 of 28 September 2007, 10/4 of 25 March 2009 and 10/29 of 27 March 2009,

Bearing in mind that the reduction of poverty and the elimination of extreme poverty remain an ethical and moral imperative of humankind, based on respect for human dignity, and noting the report of the Chairperson-Rapporteur of the 2009 Social Forum (A/HRC/13/51), held in Geneva from 31 August to 2 September 2009, which focused on questions relating to best practices of States in implementing social security programmes from a human rights perspective, the negative impact of economic and financial crises on efforts to combat poverty, and international assistance and cooperation in combating poverty,

Reaffirming the unique nature within the United Nations of the Social Forum, which makes possible a dialogue and an exchange between the representatives of Member States, civil society, including grass-roots organizations and intergovernmental organizations, and stressing that the current reform of the United Nations should take into account the contribution of the Social Forum as a vital space for open and fruitful dialogue on issues linked with the national and international environment needed for the promotion of the enjoyment of all human rights by all,

1. *Takes note with satisfaction* of the report of the 2009 Social Forum submitted by the Chairman-Rapporteur (A/HRC/13/51);

2. *Takes note with interest* of the conclusions and recommendations of the 2009 Social Forum and of the innovative nature of many of them, and calls upon States, international organizations, in particular those with a mandate for poverty eradication, non-governmental organizations, civil society organizations, trade unions and other relevant actors to take them into account when designing and implementing poverty eradication programmes and strategies;

3. *Reaffirms* the Social Forum as a unique space for interactive dialogue between the United Nations human rights machinery and various stakeholders, including the contribution of civil society, grass-roots organizations, and stresses the need to ensure greater participation of

grass-roots organizations and of those living in poverty, particularly women, especially from developing countries, in the Social Forum sessions, and to this end, considers, inter alia, the possibility of the establishment of a voluntary United Nations fund to contribute to providing resources to these organizations so that they may participate in and contribute to the deliberations of future sessions;

4. *Underlines* the importance of coordinated efforts at the national, regional and international levels for the promotion of social cohesion based on the principles of social justice, equity and solidarity and of addressing the social dimension and challenges of the ongoing globalization process and the negative impact of the current economic and financial crises;

5. *Decides* that the Social Forum will meet for three working days in 2010, in Geneva, on dates suitable for the participation of representatives of States Members of the United Nations and of the broadest possible range of other stakeholders, especially from developing countries, and decides that, at its next meeting, the Social Forum should focus on:

(a) The adverse effects of climate change on the full enjoyment of human rights, including the right to life and economic, social and cultural rights;

(b) Measures and actions to address the impact of climate change on the full enjoyment of human rights at the local, national, regional and international levels, including on most vulnerable groups, particularly women and children;

(c) International assistance and cooperation in addressing the human rights-related impact of climate change;

6. *Requests* the President of the Council to appoint, as early as possible, from candidates nominated by regional groups, the Chairperson-Rapporteur for the 2010 Social Forum, bearing in mind the principle of regional rotation;

7. *Requests* the United Nations High Commissioner for Human Rights to consult all actors identified in the present resolution on the issues referred to in paragraph 5 above and to submit a report as a background contribution for the dialogues and debates that will be held at the 2010 Social Forum;

8. *Also requests* the High Commissioner to facilitate participation in the 2010 Social Forum, in order to contribute to interactive dialogues and debate at the Forum and assist the Chairperson-Rapporteur as resource persons, of up to four relevant Council thematic procedures mandate holders, in particular the independent expert on the question of human rights and extreme poverty and the independent expert on human rights and international solidarity;

9. *Decides* that the Social Forum will remain open to the participation of representatives of States Members of the United Nations and all other interested stakeholders, such as intergovernmental organizations, different components of the United Nations system, especially mandate holders of thematic procedures and mechanisms of the human rights machinery, regional economic commissions, and specialized agencies and organizations, as well as representatives designated by human rights national institutions and non-governmental organizations in consultative status with the Economic and Social Council, and shall also be open to other non-governmental organizations, whose aims and purposes are in conformity with

the spirit, purposes and principles of the Charter of the United Nations, in particular newly emerging actors such as small groups and rural and urban associations from the North and the South, anti-poverty groups, peasants' and farmers' organizations and their national and international associations, voluntary organizations, environmental organizations and activists, youth associations, community organizations, trade unions and associations of workers, as well as representatives of the private sector, based on arrangements including Economic and Social Council resolution 1996/31 of 25 July 1996, and practices observed by the Commission on Human Rights, through an open and transparent accreditation procedure, in accordance with the rules of procedure of the Human Rights Council, while ensuring the most effective contribution of these entities;

10. *Requests* the Office of the High Commissioner to seek effective means of ensuring consultation and the broadest possible participation of representatives from every region, especially those from developing countries, in the Social Forum, including by establishing partnerships with non-governmental organizations, the private sector and international organizations;

11. *Requests* the Secretary-General to take the appropriate measures to disseminate information about the Social Forum, invite the relevant individuals and organizations to the Social Forum and take all practical measures required for the success of this initiative;

12. *Invites* the 2010 Social Forum to submit a report containing conclusions and recommendations to the Council;

13. *Requests* the Secretary-General to provide the Social Forum with all the services and facilities necessary to fulfil its activities, and requests the High Commissioner to provide all the necessary support to facilitate the convening and proceedings of the Forum;

14. *Decides* to continue consideration of this issue under the relevant agenda item when the report of the 2010 Social Forum is submitted to the Council.

43rd meeting
25 March 2010

[Adopted without a vote]

13/18. Elaboration of complementary standards to the International Convention on the Elimination of All Forms of Racial Discrimination

The Human Rights Council,

Recalling its decision 3/103 of 8 December 2006 on the elaboration of complementary standards to the International Convention on the Elimination of All Forms of Racial Discrimination and the creation of the Ad Hoc Committee for this purpose,

Underlining the imperative need for the Ad Hoc Committee to elaborate complementary standards to the International Convention in accordance with paragraph 199 of the Durban Programme of Action (A/CONF.189/12).

1. *Takes note with appreciation* of the report of the Chairperson-Rapporteur of the Ad Hoc Committee on the elaboration of complementary standards and notes the views expressed during the second session of the Ad Hoc Committee;

2. *Decides* that the Ad Hoc Committee shall convene its third session from 29 November to 10 December 2010;

3. *Also decides* to remain seized of this priority issue.

43rd meeting
25 March 2010

[Adopted without a vote]

13/19. Torture and other cruel, inhuman or degrading treatment or punishment: the role and responsibility of judges, prosecutors and lawyers

The Human Rights Council,

Recalling all resolutions on torture and other cruel, inhuman or degrading treatment or punishment adopted by the General Assembly, the Commission on Human Rights and the Council,

Recalling also Human Rights Council resolution 12/3 of 1 October 2009 on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers, and Human Rights Council decision 2/110 of 27 November 2006 on the integrity of the judicial system,

Reaffirming that no one shall be subjected to torture or to other cruel, inhuman or degrading treatment or punishment,

Recalling that freedom from torture and other cruel, inhuman or degrading treatment or punishment is a non-derogable right that must be protected under all circumstances, including during states of emergency and in times of international or internal armed conflicts or disturbance and that the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment is affirmed in relevant international instruments, stressing that legal and procedural safeguards against such acts must not be subject to measures that would circumvent this right, and emphasizing that judges, prosecutors and lawyers play a critical role in safeguarding this right,

Convinced that an independent and impartial judiciary, an independent legal profession and the integrity of the judicial system are essential prerequisites for the protection of human rights, including the right to be free from torture and other cruel, inhuman or degrading treatment or punishment, and for the application of the rule of law and for ensuring a fair trial and that there is no discrimination in the administration of justice,

1. *Condemns* all forms of torture and other cruel, inhuman or degrading treatment or punishment, including through intimidation, which are and shall remain prohibited at any time

and in any place whatsoever and can thus never be justified, and calls upon all States to implement fully the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment;

2. *Emphasizes* that States must take persistent, determined and effective measures to prevent and combat all acts of torture and other cruel, inhuman or degrading treatment or punishment, and stresses that all acts of torture must be made offences under domestic criminal law, and encourages States to prohibit under domestic law acts constituting cruel, inhuman or degrading treatment or punishment;

3. *Urges* States to respect and ensure respect for the critical role that judges, prosecutors and lawyers play in the prevention of torture and other cruel, inhuman or degrading treatment or punishment, including with respect to arbitrary detention, due process safeguards and fair trial standards, and bringing perpetrators to justice;

4. *Also urges* States to adopt, implement and fully comply with legal and procedural safeguards against torture and other cruel, inhuman or degrading treatment or punishment, as well as to ensure that the judiciary, and where relevant the prosecution, can effectively ensure compliance with such safeguards;

5. *Stresses* that effective legal and procedural safeguards for the prevention of torture and other cruel, inhuman or degrading treatment or punishment include, inter alia, ensuring that any individual arrested or detained is brought promptly before a judge or other independent judicial officer in person, and permitting prompt and regular medical care and legal counsel as well as visits by family members;

6. *Calls upon* States in the context of criminal proceedings to ensure access to lawyers from the outset of custody and during all interrogations and judicial proceedings, as well as access of lawyers to appropriate information in sufficient time to enable them to provide effective legal assistance to their clients;

7. *Strongly urges* States to ensure that no statement that is established to have been made as a result of torture is invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made, and calls upon States to consider extending that prohibition to statements made as a result of other cruel, inhuman or degrading treatment or punishment, and recognizes that adequate corroboration of statements, including confessions, used as evidence in any proceedings constitutes one safeguard for the prevention of torture and other cruel, inhuman or degrading treatment or punishment;

8. *Urges* States not to expel, return (refouler), extradite or in any other way transfer a person to another State where there are substantial grounds for believing that the person would be in danger of being subjected to torture, and stresses the importance of effective legal and procedural safeguards in this regard;

9. *Condemns* any action or attempt by States or public officials to legalize, authorize or acquiesce in torture and other cruel, inhuman or degrading treatment or punishment under any circumstances, including on grounds of national security or through judicial decisions;

10. *Calls* upon States to ensure accountability for acts of torture and other cruel, inhuman or degrading treatment or punishment, and in this regard stresses that the competent domestic authority must promptly, effectively, independently and impartially investigate all allegations of such acts and wherever there is reasonable ground to believe that such acts have been committed and that those who encourage, order, tolerate or perpetrate such acts must be held responsible, brought to justice and punished in a manner commensurate with the severity of the offence;

11. *Urges* States to ensure that any person who has been subjected to torture or cruel, inhuman or degrading treatment or punishment has access to an effective remedy and that victims will receive adequate, effective and prompt reparations, where appropriate;

12. *Emphasizes* the essential role of judges, prosecutors and lawyers in safeguarding the right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment and that in this regard States should ensure the effective administration of justice, particularly by:

(a) Enabling the judiciary to exercise its judicial functions independently, impartially and professionally;

(b) Taking effective measures to prevent and combat any unlawful interference of any kind, such as threats, harassment, intimidation and assaults on judges, prosecutors and lawyers, as well as ensuring that any such interference is promptly, effectively, independently and impartially investigated with a view to bringing those responsible to justice;

(c) Taking effective measures for combating corruption in the administration of justice, establishing proper legal aid programmes and having judges, prosecutors and lawyers adequately and in sufficient numbers selected, trained and remunerated;

13. *Also emphasizes* the importance of international cooperation, including financial assistance, to assist States, upon their request, in their national efforts to strengthen administration of justice;

14. *Urges* all States to consider establishing or to maintain and enhance independent and effective mechanisms with qualified legal and other relevant expertise to undertake effective monitoring visits to places of detention, inter alia with a view to preventing acts of torture or other cruel, inhuman or degrading treatment or punishment;

15. *Calls upon* States to ensure that education and information regarding the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment are fully included in the education and training of all judges, prosecutors and lawyers as well as law enforcement personnel;

16. *Invites* the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and other relevant special procedures within their respective mandates to take the present resolution into account in their future work;

17. *Takes note* of the report of the Special Rapporteur (A/HRC/13/39);

18. *Calls upon* the Office of the United Nations High Commissioner for Human Rights to continue to provide advisory services to States for the prevention of torture and other cruel, inhuman or degrading treatment or punishment.

44th meeting
26 March 2010

[Adopted without a vote]

13/20. Rights of the child: the fight against sexual violence against children

The Human Rights Council,

Emphasizing that the Convention on the Rights of the Child must constitute the standards in the promotion and protection of the rights of the child and stressing the importance of the Optional Protocols thereto on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict, in particular in the fight against sexual violence against children, and bearing in mind other human rights instruments,

Recalling all previous resolutions on the rights of the child of the General Assembly, the Human Rights Council and the Commission on Human Rights, the most recent being Assembly resolution 64/146 of 18 December 2009 and Council resolution 10/14 of 26 March 2009,

Welcoming the decision of the Security Council to appoint the Special Representative of the Secretary-General on Sexual Violence in Conflict by its resolution 1888 (2009) of 30 September 2009 and welcoming also its decision to expand the criteria by which parties are included in the annexes to the Secretary-General's annual reports on children and armed conflict to include parties to armed conflict that engage in contravention of applicable international law, in patterns of killing and maiming of children, and/or rape or other forms of sexual violence against children in situations of armed conflict, in its resolution 1882 (2009) of 4 August 2009,

Welcoming also the appointment of the Special Representative of the Secretary-General on Violence against Children and her initial report submitted to the Council which outlines the strategic direction for advancing progress in the protection of children from all forms of violence (A/HRC/13/46),

Commemorating in 2010 the twentieth anniversary of the adoption of the Convention on the Rights of the Child and the tenth anniversary of the adoption of its two Optional Protocols,

Bearing in mind paragraph 24 of Council resolution 10/14 by which it decided to focus its next resolution and full-day meeting on the fight against sexual violence against children,

Welcoming the reports of the Special Representative of the Secretary-General for Children and Armed Conflict (A/HRC/12/49) and of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/12/23) and taking note with appreciation of the reports of the Special Rapporteur on violence against women, its causes and consequences (A/HRC/11/6) and of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/10/16), in particular their focus on sexual violence against children, *Bearing in mind* the responsibility of the family for the upbringing and the development of the child, and recognizing the role of parents, the extended family and other caregivers in preventing and protecting children from sexual violence and sexual abuse, and that they should be provided with adequate support,

Acknowledging the important work to promote and protect children against sexual violence carried out by entities of the United Nations system within their respective mandates, in particular, the United Nations Children's Fund, the Office of the United Nations High Commissioner for Human Rights, the International Labour Organization, the World Health Organization and the United Nations Office of Drugs and Crime, and regional organizations, and intergovernmental and non-governmental organizations,

Welcoming the decision to work in partnership by thirteen United Nations entities[1] under the United Nations Action against Sexual Violence in Conflict, with the goal of ending sexual violence during and in the aftermath of armed conflict,

Welcoming also the work of the Committee, on the Rights of the Child and taking note of the issuance of its general comments Nos. 11 and 12 (2009),

Recalling the World Congress III Against Sexual Exploitation of Children and Adolescents and the Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents, and the agreed conclusions on the elimination of all forms of discrimination and violence against the girl child adopted by the Commission on the Status of Women at its fifty-first session,

Welcoming the constructive dialogue on "The fight against sexual violence against children" on the occasion of the full-day annual meeting on the rights of the child, held on 10 March 2010, and the renewed commitment to the implementation of the Convention expressed on this occasion by States,

Profoundly concerned that sexual violence and sexual abuse against children occurs in all regions of the world in various forms, contexts and settings, including by family members, that are all detrimental to child development and convinced that urgent and effective national action and international cooperation is needed to prevent and eradicate these violations,

Profoundly concerned also about the persistence of the practices of the sale of children, child slavery, the commercial sexual exploitation of children, child prostitution, sexual abuse and child pornography in many parts of the world, especially as fostered by the increasing use of the Internet and new technologies,

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[1] The Department of Political Affairs of the United Nations Secretariat, the Department of Peacekeeping Operations of the United Nations Secretariat, the Office for the Coordination of Humanitarian Affairs of the United Nations Secretariat, the Office of the United Nations High Commissioner for Human Rights, the Joint United Nations Programme on HIV/AIDS (UNAIDS), the United Nations Development Programme, the United Nations Population Fund, the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund, the United Nations Development Fund for Women, the World Food Programme, the World Health Organization and the Peacebuilding Support Office.

Deeply concerned about the high incidence and appalling levels of brutality of rape and other forms of sexual violence committed against children, in the context of and associated with armed conflict, including, in some instances, the use or commissioning of rape and other forms of sexual violence to humiliate, dominate, instil fear and disperse and/or forcibly relocate a population,

Stressing the need to treat all forms of sexual violence and sexual abuse against children as criminal acts, punishable by law, as well as the duty to provide access to just and effective remedies and specialized assistance to victims, including medical, psychological and legal assistance, as well as effective counselling and social services, in a manner that is age-, gender- and disability-sensitive,

1. *Strongly condemns* all forms of sexual violence and abuse against children in all settings, including incest, sexual abuse and assault, sexual harassment, rape, child pornography and child prostitution, sexual exploitation of children in travel and tourism,, trafficking in children, the sale of children for the purposes of sexual exploitation, acts of sexual violence and abuse against children that constitute torture, and related forms of gender-based violence, including female genital mutilation or cutting and early and forced marriages;

2. *Urges* all States:

(a) To take effective and appropriate legislative and other measures or to strengthen, where they exist, legislation and policy established to prohibit, criminalize and eliminate all forms of sexual violence and sexual abuse against children in all settings;

(b) To ensure accountability and seek to end impunity of perpetrators of sexual violence and abuse against children in all settings, including in conflict and emergencies, and to investigate and prosecute such acts and impose appropriate penalties, commensurate with those for other serious crimes, recognizing that persons convicted of sexual violence against children should be prevented from working with children until such time as national mechanisms establish that they no longer pose a risk of harm to children; and, in this regard, encourages States to share relevant information, as appropriate, relating to conviction for offences of sexual violence against children, with a view to improving protection of children against such offences in other countries, as well as information on best practices on preventing convicted offenders from working with children, while safeguarding the child's dignity and right to privacy;

(c) To give priority attention to the prevention of all forms of sexual violence and abuse against children by addressing its underlying causes, including through investment in education and awareness-raising to promote social change in attitudes and behaviours that condone or normalize any form of sexual violence against children, including harmful traditional practices;

(d) To increase their commitment to timely, sustained and adequate funding for the prevention and protection of children from sexual violence and abuse as well as their recovery and reintegration, including appropriate funding for the development of research on sexual violence against children, with a view to improving measures of prevention and protection;

(e) To develop and enhance programmes, as appropriate, to support and educate parents and other caregivers in their child-rearing role so as to prevent sexual violence against children, taking into consideration the need to develop targeted programmes for families particularly at risk, as well as children without parental care;

(f) To establish, maintain, strengthen or designate, in complementarity with effective governmental structures for children, independent children's rights institutions, such as children's ombudspersons or equivalents or focal points on children's rights in existing national human rights institutions or general ombudsperson offices, that are sufficiently funded and accessible to children, which should play a key role in the independent monitoring of actions taken to promote and protect the rights of the child, including the prevention of sexual violence and abuse against children, and to promote the universal realization of rights of child victims of sexual violence and abuse;

(g) To protect children from all forms of sexual violence and abuse by all those who work with and for children, including in educational, care and detention settings, as well as by Government officials, such as the police, law enforcement authorities and employees and officials in detention centres or welfare institutions, including through provision of training and education to those who work with children, and to ensure that those working with children belonging to minorities and other vulnerable groups are aware of their specific needs and rights;

(h) To develop and establish, at national and community level, effective and child-sensitive counselling, complaint and reporting mechanisms that are confidential, age-appropriate, gender-sensitive, disability-sensitive, integral, safe, well-publicized and accessible to all children, for reporting and addressing incidents of sexual violence and abuse, including in emergencies and conflicts;

(i) To provide access to immediate and, where possible, free care, recovery and social reintegration services for all child victims of sexual violence and abuse, without discrimination, that utilize an integrated and holistic approach including, inter alia, psychosocial support and education, so as to ensure their psychological recovery and full reintegration into society;

(j) To provide appropriate training and education to those who work with child victims of sexual violence and abuse, including not only educational, psychosocial and medical professionals, but also legal and law-enforcement professionals, including judges and police officers in charge of receiving complaints from child victims of sexual violence, in order to prevent further victimization;

(k) To address the gender dimension of all forms of sexual violence and abuse against children and incorporate a gender perspective in all policies adopted and actions taken to protect children against all forms of sexual violence and abuse, while acknowledging that girls and boys face varying risks from different forms of sexual violence at different ages and in different situations;

(l) To ensure the meaningful participation of children in all matters and decisions affecting their lives through their expression of their views, and that those views are given due weight in accordance with their age and maturity, including in all administrative and judicial proceedings, and that disability-, gender- and age-appropriate assistance is provided to enable the active and equal participation of all children;

(m) To ensure an active engagement of children in the development of measures of prevention, response and monitoring of sexual violence and abuse against them, including through the promotion and development of child-led initiatives;

(n) To develop, strengthen and implement well-coordinated cross-sectoral strategies or plans of action at the national and community levels to address violence against children, including sexual violence and abuse against children, within the context of comprehensive domestic child protection strategies, with realistic and time-bound targets, and ensure the allocation of financial and human resources for their implementation, including arrangements for the monitoring and regular review of action taken to address sexual violence against children;

(o) To improve national and local data-collection and information systems on children at risk so as to inform policy and monitor progress in order to prevent sexual violence against children, while safeguarding their dignity and right to privacy and averting child stigmatization;

(p) To ensure the registration of the child immediately after birth and that registration procedures are simple, expeditious and effective and provided at minimal or no cost and to raise awareness of the importance of birth registration at the national, regional and local levels;

(q) To establish and implement regional and national legal mechanisms and programmes for addressing sex offender behaviour and preventing recidivism, in addition to but not in place of criminal sanctions, safe reintegration of convicted offenders and the collection and sharing of good practices;

(r) To share good practices on all issues related to the fight against sexual violence against children and to discuss these practices in regional and multilateral forums;

3. *Also urges* all States to strengthen international commitment, cooperation and mutual assistance, including at the level of relevant government ministries and law enforcement agencies, in preventing and protecting children from all forms of sexual violence and in ending impunity for sexual violence against children, including through research, policies, monitoring and capacity-building designed to promote the implementation of agreed international standards for preventing and protecting children from sexual violence, abuse and exploitation, including child pornography;

4. *Calls upon* States to pay special attention to the protection from sexual violence and abuse of marginalized and vulnerable children, such as children belonging to minorities, children with disabilities, migrant children, indigenous children, children working and/or living on the street, refugee, asylum-seeking and internally displaced children, in particular those who are unaccompanied, and children held in detention, and to take all necessary actions, including the use of detention as a measure of last resort, and to ensure that those who are victims of sexual violence receive special protection and assistance in accordance with international law;

5. *Calls upon* all States to prevent, criminalize, punish and eradicate the practices of the sale of children, child slavery, commercial sexual exploitation of children, child prostitution and child pornography, including the use of the Internet and new technologies for those practices, and to take effective measures, as appropriate, against the criminalization of children who are victims of exploitation;

6. *Urges* States to adopt clear and comprehensive domestic legislation that guarantees respect for children's rights and protects them from all forms of sexual exploitation, including the use of the Internet and new technologies for such exploitation, and to prevent the Internet and new technologies from being used for the production and dissemination of child pornography and solicitation of children for sexual purposes both online and offline;

7. *Also urges* States to take effective measures to combat the existence of a market that encourages such criminal practices against children, including through the adoption, effective application and enforcement of preventive, rehabilitative and punitive measures targeting customers or individuals who sexually exploit or sexually abuse children, as well as by ensuring public awareness;

8. *Further urges* States to take measures to protect children from sexual exploitation in travel and tourism through, inter alia, encouraging appropriate corporate social responsibility strategies and the adoption of professional codes of conduct, as well as ensuring investigation of and the bringing of appropriate charges against those who have sexually exploited a child in their own country or, in cases where a national of a State sexually exploits a child, in a foreign country and ensuring widespread public awareness on the issue of sexual violence against children;

9. *Calls upon* States to cooperate with the Special Representative of the Secretary-General on Violence against Children in promoting the implementation of the recommendations of the United Nations study on violence against children (see A/61/299 and A/62/209) and encourages States to provide support, including financial support, for the effective and independent performance of her mandate, while promoting and ensuring country ownership and national plans and programmes in this regard, and calls upon States and institutions concerned and invites the private sector to provide voluntary contributions for that purpose;

10. *Condemns in the strongest terms* rape and other forms of sexual violence committed against children in situations of armed conflict, and in this regard, calls upon all parties to armed conflict to comply strictly with their obligations under applicable international law to protect children in armed conflict, urges them to immediately end such practices and to take all possible measures to protect boys and girls from rape and all forms of sexual violence, and calls upon States to assist child victims of these violations in situations of armed conflict and to seek to end impunity for perpetrators by ensuring rigorous investigation and prosecution of such crimes;

11. *Notes with appreciation* the steps taken regarding relevant Security Council resolutions 1612 (2005) of 26 July 2005, and 1882 (2009) and the efforts of the Secretary-General to implement the monitoring and reporting mechanism on children and armed conflict so as to end the practices of rape and other forms of sexual violence and calls upon all parties to armed conflict who commit these violations against children in situations of armed conflict to make commitments and prepare and implement concrete and effective time-bound action plans to end these violations;

12. *Calls upon* all States and relevant United Nations bodies and agencies and regional organizations to address the issue of sexual exploitation and abuse of children by United Nations peacekeeping and humanitarian personnel and urges States to adopt appropriate national legislation and to ensure rigorous investigation and prosecution of such crimes;

13. *Urges* all States that have not yet become States parties to the Convention on the Rights of the Child and the Optional Protocols thereto on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography to do so as a matter of priority;

14. *Urges* all States parties to withdraw reservations that are incompatible with the object and purpose of the Convention or the Optional Protocols thereto;

15. *Urges* all States that have not yet signed and ratified or acceded to the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 Convention (No. 182) of the International Labour Organization to consider doing so as a matter of priority;

Follow-up

16. *Requests* the United Nations High Commissioner for Human Rights to prepare a summary of the full-day meeting on the rights of the child, as a follow-up to paragraph 7 of Council resolution 7/29 of 28 March 2008;

17. *Invites* the Special Rapporteur on the sale of children, child prostitution and child pornography and the Special Representative to the Secretary-General on Violence against Children to cooperate on themes of mutual interest within their respective mandates, and to report to the Council at its sixteenth session on effective and child-sensitive counselling, complaint and reporting mechanisms to which children can safely report incidents of violence, including sexual violence and exploitation; and invites them in so doing, to cooperate with States and relevant partners such as the Committee on the Rights of the Child, the Special Representatives of the Secretary-General for Children in Armed Conflict and on Sexual Violence in Conflict, national human rights institutions and ombudspersons for children, United Nations agencies, regional organizations, civil society organizations and children themselves;

18. *Requests* the Special Rapporteur on the sale of children, child prostitution and child pornography to present her next report to the Council at its sixteenth session;

19. *Calls upon* all stakeholders to address the rights of the child throughout the universal periodic review mechanism and to take into consideration the issues of violence against children, including sexual violence against children;

20. *Decides* to continue its consideration of the question of the rights of the child in accordance with its programme of work and its resolution 7/29, and to focus its next resolution and full-day meeting on a holistic approach to the protection and promotion of the rights of children working and/or living on the street.

44th meeting
26 March 2010

[Adopted without a vote]

13/21. Strengthening of technical cooperation and consultative services in the Republic of Guinea

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and other applicable human rights instruments,

Recalling General Assembly resolution 60/251 of 15 March 2006,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter, the Universal Declaration of Human Rights, the international covenants on human rights and other applicable instruments to which they are parties,

Noting with appreciation the role played by the international community, in particular the African Union, the Economic Community of West African States and the European Union, in reinforcing the rule of law and improving the situation of human rights in Guinea,

Noting with concern that the human rights and security situation remains fragile in Guinea,

Recalling that it is the primary responsibility of Guinea to protect its civilian population and to conduct inquiries into violations of human rights and international humanitarian law and bring the perpetrators to justice,

Considering that the work undertaken by the Office of the United Nations High Commissioner for Human Rights in Guinea must be sufficiently reinforced,

1. *Condemns* the massacre of unarmed civilians who had gathered for a peaceful rally, on 28 September 2009 in the main stadium in Conakry, and the serious human rights violations committed the same day and in the course of the following days, and in particular the sexual violations of a particularly serious nature committed against women by members of the Armed Forces and the security forces;

2. *Commends* the efforts of the Economic Community of West African States and the African Union, and of the President of Burkina Faso, Mr. Blaise Compaoré, in his capacity as mediator on behalf of the Economic Community of West African States, and welcomes the communiqué of the African Union Summit, dated 3 February 2010, and those of the International Contact Group on Guinea, dated 26 January and 22 February 2010;

3. *Takes note* of the Joint Declaration of Ouagadougou of 15 January 2010, the appointment of an interim president and the establishment of a national unity government led by a civilian prime minister designated by the opposition;

4. *Takes note also* of the decision by the transitional authorities to set 27 June 2010 as the date for the first round of presidential elections, and of their undertaking not to stand at those elections, in accordance with the Joint Declaration of Ouagadougou;

5. *Further takes note* of the work of the International Commission of Inquiry established by the United Nations Secretary-General and supported by the African Union and the

Economic Community of West African States to investigate the facts and circumstances of the events of 28 September 2009 in Guinea consistent with its mandate (see S/2009/556), and of the submission by the Commission of its report (S/2009/693, annex), and invites the Guinean authorities to consider implementing the recommendations on, inter alia:

(a) Combating impunity for those responsible for or involved in serious human rights violations, and in particular acts of sexual violence against women and girls;

(b) Protection for, and the granting of assistance of every kind and appropriate reparation to, the victims of acts of violence;

(c) Reform of the justice sector;

(d) Reform of the security sector;

6. *Takes note* in this regard of the announcement by the Special Representative of the Secretary-General for West Africa of measures to assist the Guinean authorities in the reform of the security sector (see S/2009/682);

7. *Welcomes* the decision by the Government of Guinea to cooperate with the Office of the United Nations High Commissioner for Human Rights with a view to opening a country office in Guinea;

8. *Invites* the transitional authorities to take the necessary steps to promote the gender perspective and reinforce women's involvement in the mediation and decision-making processes in conflict resolution, peacebuilding and the promotion and defence of human rights;

9. *Strongly appeals* to the international community:

(a) To provide the transitional authorities, as soon as possible, with appropriate assistance as a contribution to a sustainable restoration of peace and the constitutional order, and to the success of the transition to democracy under the provisions of the Joint Declaration of Ouagadougou, and in particular to provide the assistance needed to support the authorities' efforts to ensure that the presidential elections planned for 27 June 2010 take place;

(b) To support the efforts of the Guinean authorities to promote respect for human rights, including the achievement of the Millennium Development Goals, combating impunity and reform of the security and justice sectors;

10. *Invites* the High Commissioner to make available to her office in Guinea the human and financial resources necessary for its establishment and smooth functioning;

11. *Invites* the High Commissioner to report to the Council at its sixteenth ordinary session on the situation of human rights and the work of her office in Guinea.

44th meeting
26 March 2010

[Adopted without a vote]

13/22. Situation of human rights in the Democratic Republic of the Congo and the strengthening of technical cooperation and consultative services

The Human Rights Council,

Recalling General Assembly resolution 60/251 of 15 March 2006,

Recalling also its resolutions 5/1 of 18 June 2007, 7/20 of 27 March 2008, S-8/1 of 1 December 2008 and 10/33 of 27 March 2009,

Recalling further its resolution 10/33 of 27 March 2009, in which it requested the international community to support the establishment of a local cooperation mechanism by the Government of the Democratic Republic of the Congo, the United Nations High Commissioner for Human Rights and the Human Rights Section of the United Nations Organization Mission in the Democratic Republic of the Congo, referred to as the *entité de liaison des droits de l'homme*,

Expressing its appreciation for the role taken by the international community, in particular by the African Union, the Southern African Development Community, the Economic Community of Central African States and the European Union, in enhancing the rule of law and improving the human rights situation in the Democratic Republic of the Congo,

Taking into consideration the fact that the presence of the Office of the United Nations High Commissioner for Human Rights in the Democratic Republic of the Congo and that of the Human Rights Section of the United Nations Organization Mission in the Democratic Republic of the Congo have been merged with a view to their achieving more efficiency in their work on the situation of human rights in the country,

Expressing concern over the current human rights situation in the Democratic Republic of the Congo and calling upon the Government to respect human rights law and international humanitarian law,

Considering the existence of a national programme for the promotion and protection of human rights in the Democratic Republic of the Congo and the willingness of the Government of the Democratic Republic of the Congo to implement it,

Reaffirming that States have an obligation to promote and protect human rights and fundamental freedoms as enshrined in the Charter of the United Nations, as reaffirmed in the Universal Declaration of Human Rights, and in accordance with the International Covenants on Human Rights and other applicable human rights instruments,

1. *Takes note* of the initiatives implemented by the Democratic Republic of the Congo, in particular the entité de liaison des droits de l'homme, the national agency to combat violence against women and girls, and the organization of the Second National Conference on Human Rights and the Rule of Law in the Democratic Republic of the Congo and calls on the Government to accelerate the establishment of the independent national human rights institution in accordance with the Paris Principles;

2. *Calls upon* the Democratic Republic of the Congo to ensure in all circumstances respect for human rights law and international humanitarian law, including by providing access to justice and remedy to the victims of the violations of the human rights;

3. *Requests* the Democratic Republic of the Congo to continue to ensure protection of journalists and human rights defenders in the discharge of their duties and in conformity with the relevant provisions of national law consistent with international law, and with the Declaration on Human Rights Defenders to fight against sexual violence and to prosecute the perpetrators of serious human rights violations, in the army and the national police force, within the framework of the policy of zero tolerance;

4. *Welcomes, being appalled* by the continuing incidence of sexual and gender-based violence, the announcement by the Government of Democratic Republic of the Congo of a zero tolerance policy and calls upon the Government to take concrete steps towards its full implementation;

5. *Encourages* the Democratic Republic of the Congo to pursue its reforms in the framework of consolidating peace and national reconciliation as well as the general reform of justice, the army, security and the national police force, and welcomes the determination of the Democratic Republic of the Congo with respect to continuing its cooperation with the special procedures of the Human Rights Council;

6. *Welcomes* the cooperation of the Democratic Republic of the Congo with the thematic special procedures of the Council and its invitation to a number of them, including the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on extrajudicial, summary or arbitrary executions, to make recommendations, within their respective mandates, on how best to assist technically the Democratic Republic of the Congo in addressing the situation of human rights, with a view to obtaining tangible improvements on the ground, while also taking into account the needs articulated by the Government of the Democratic Republic of the Congo;

7. *Calls on* the Government of the Democratic Republic of the Congo, with the support of the international community to inter alia, develop effective and credible monitoring and verification of the supply chain of minerals to put an end to the illegal exploitation of natural resources in the country so as to enable the people of the Democratic Republic of the Congo to freely dispose of its natural wealth in accordance with the relevant provisions of the International Covenant on Economic, Social and Cultural Rights;

8. *Also calls on* the international community to support the national efforts of the Democratic Republic of the Congo and its institutions with a view to improving the human rights situation in the country, as well as to encourage closer collaboration with relevant regional organizations;

9. *Takes note* of the second joint report (A/HRC/13/63) of the thematic special procedures on technical assistance to the Government of the Democratic Republic of the Congo, and the examination of the situation in the east of the country, and invites them to report to the Council during its sixteenth session on the developments in respect of that situation;

10. *Requests* the Government of the Democratic Republic of the Congo, with the assistance of the United Nations High Commissioner for Human Rights and the thematic special procedure, to develop a plan for prioritization and implementation of recommendations received to date, particularly in the areas of protection of women and children, combating impunity, rule of law, and the administration of justice; to set targets and benchmarks for technical assistance programmes, to develop a timeline for achieving these targets, and to identify the means to determine the amount of and locate the resources necessary to carry out the plan for implementation; and invites the Government of the Democratic Republic of the Congo to inform and update the Council on these topics at the 16th session;

11. *Takes note* of the report of the United Nations High Commissioner for Human Rights on the situation of human rights in the Democratic Republic of the Congo and the activities carried out in the country by her Office (A/HRC/13/64) and invites the High Commissioner to report to the Council, during its sixteenth session on developments in respect of that situation and the activities of her Office;

12. *Calls upon* the United Nations High Commissioner for Human Rights to increase and enhance, through her presence in the Democratic Republic of the Congo, her technical assistance programmes and activities, in consultation with the country's authorities;

13. *Decides* to continue to follow the situation of human rights in the Democratic Republic of the Congo during its sixteenth ordinary session.

44th meeting
26 March 2010

[Adopted without a vote]

13/23. Enhancement of international cooperation in the field of human rights

The Human Rights Council,

Reaffirming its commitment to promoting international cooperation, as set forth in the Charter of the United Nations, in particular Article 1, paragraph 3, as well as relevant provisions of the Vienna Declaration and Programme of Action, adopted at the World Conference on Human Rights, on 25 June 1993, for enhancing genuine cooperation among Member States in the field of human rights,

Recalling the adoption by the General Assembly of the United Nations Millennium Declaration on 8 September 2000, Assembly resolution 63/180 of 18 December 2008 and Council resolution 7/3 of 27 March 2008,

Recalling also the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001, and the Durban Review Conference, held in Geneva from 20 to 24 April 2009, and their role in the enhancement of international cooperation in the field of human rights, *Recognizing* that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of all human rights,

Recognizing also that the promotion and protection of human rights should be based on the principles of cooperation and genuine dialogue in all relevant forums, including in the context of the universal periodic review, and be aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings,

Reiterating the role played by the universal periodic review as an important mechanism in contributing to the enhancement of international cooperation in the field of human rights,

Recalling Council resolution 6/17 of 28 September 2008, in which the Council requested the Secretary-General to establish a universal periodic review Voluntary Trust Fund to facilitate the participation of developing countries, particularly least developing countries, in the universal periodic review mechanism, and to establish the Voluntary Fund for Financial and Technical Assistance, to be administered jointly with the universal periodic review Voluntary Trust Fund, in order to provide, in conjunction with multilateral funding mechanisms, a source of financial and technical assistance to help countries implement recommendations emanating from the universal periodic review in consultation with, and with the consent of, the country concerned,

Reaffirming that dialogue among religions, cultures and civilizations in the field of human rights could contribute greatly to the enhancement of international cooperation in this field,

Emphasizing the need for further progress in the promotion and encouragement of respect for human rights and fundamental freedoms through, inter alia, international cooperation,

Underlining the fact that mutual understanding, dialogue, cooperation, transparency and confidence-building are important elements in all the activities for the promotion and protection of human rights,

1. *Reaffirms* that it is one of the purposes of the United Nations and also the primary responsibility of Member States to promote, protect and encourage respect for human rights and fundamental freedoms through, inter alia, international cooperation;

2. *Recognizes* that, in addition to their separate responsibilities to their individual societies, States have a collective responsibility to uphold the principles of human dignity, equality and equity at the global level;

3. *Reaffirms* that dialogue among cultures and civilizations facilitates the promotion of a culture of tolerance and respect for diversity, and welcomes in this regard the holding of conferences and meetings at the national, regional and international levels on dialogue among civilizations;

4. *Urges* all actors on the international scene to build an international order based on inclusion, justice, equality and equity, human dignity, mutual understanding and promotion of and respect for cultural diversity and universal human rights, and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance;

5. *Reaffirms* the importance of the enhancement of international cooperation for the promotion and protection of human rights and for the achievement of the objectives of the fight against racism, racial discrimination, xenophobia and related intolerance;

6. *Considers* that international cooperation in the field of human rights, in conformity with the purposes and principles set out in the Charter of the United Nations and international law, should make an effective and practical contribution to the urgent task of preventing violations of human rights and fundamental freedoms;

7. *Reaffirms* that the promotion, protection and full realization of all human rights and fundamental freedoms should be guided by the principles of universality, non-selectivity, objectivity and transparency, in a manner consistent with the purposes and principles set out in the Charter;

8. *Emphasizes* the role of international cooperation in support for national efforts and in raising the capacities of Member States in the field of human rights through, inter alia, the enhancement of their cooperation with human rights mechanisms, including through the provision of technical assistance, upon the request and in accordance with the priorities set by the States concerned;

9. *Requests* the Office of the United Nations High Commissioner for Human Rights to brief the Council and disseminate information to States Members of the United Nations on the progress achieved in operationalizing the universal periodic review Voluntary Trust Fund and the Voluntary Fund for Financial and Technical Assistance;

10. *Urges* Member States to support the universal periodic review Voluntary Fund and the Voluntary Fund for Financial and Technical Assistance;

11. *Takes note* of the report of the High Commissioner on the enhancement of international cooperation in the field of human rights (A/HRC/13/19);

12. *Calls upon* Member States, specialized agencies and intergovernmental organizations to continue to carry out a constructive dialogue and consultations for the enhancement of understanding and the promotion and protection of all human rights and fundamental freedoms, and encourages non-governmental organizations to contribute actively to this endeavour;

13. *Invites* States and relevant United Nations human rights mechanisms and procedures to continue to pay attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of all human rights;

14. *Requests* the Human Rights Council Advisory Committee to explore ways and means to enhance cooperation in the field of human rights, taking into account the views contained in the above-mentioned report of the High Commissioner, and further views from States and relevant stakeholders, and to submit proposals in this regard to the Council at its nineteenth session;

15. *Decides* to continue its consideration of the matter in 2011, in accordance with its annual programme of work.

44th meeting
26 March 2010

[Adopted without a vote]

13/24. Protection of journalists in situations of armed conflict

The Human Rights Council,

Reaffirming the vital role played by the press in situations of armed conflict,

Alarmed at the large and increasing number of deaths and injuries among members of the press in armed conflict,

1. *Decides* to convene, within existing resources, a panel discussion at its fourteenth session on the issue of protection of journalists in armed conflict;

2. *Requests* the Office of the United Nations High Commissioner for Human Rights to liaise with the Special Rapporteur on the right to freedom of opinion and expression, the International Committee of the Red Cross and all concerned parties and stakeholders, including relevant press organizations and associations and United Nations bodies and agencies, with a view to ensuring their participation in the panel discussion;

3. *Also requests* the Office of the High Commissioner to prepare a report on the outcome of the panel discussion in the form of a summary.

44th meeting
26 March 2010

[Adopted without a vote]

13/25. Situation of human rights in Myanmar

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights, and reaffirming also previous resolutions of the Commission on Human Rights, the Human Rights Council and the General Assembly on the situation of human rights in Myanmar, including Council resolutions 10/27 of 27 March 2009 and 12/20 of 2 October 2009, and General Assembly resolution 64/238 of 24 December 2009,

Welcoming the report of the Special Rapporteur on the situation of human rights in Myanmar (A/HRC/13/48), urging the implementation of the recommendations contained therein and those within previous reports, and welcoming the visit of the Special Rapporteur from 15 to 19 February 2010,

Increasingly concerned that the urgent calls contained in the above-mentioned resolutions and reports and in those of other United Nations bodies concerning the human rights situation in Myanmar have still not been met, and emphasizing the urgent need for significant progress towards meeting those calls of the international community, *Recalling* Council resolutions 5/1 on institution-building of the Council and 5/2 on the Code of Conduct for special procedures mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

Reaffirming that it is the responsibility of the Government of Myanmar to ensure the full enjoyment of all human rights and fundamental freedoms of its entire population, as stated in the Charter, the Universal Declaration of Human Rights and other applicable human rights instruments,

Particularly concerned by restrictions imposed on the representatives of the National League for Democracy and other political parties and other relevant stakeholders, including a number of ethnic groups, thus preventing a genuine process of dialogue, national reconciliation and transition to democracy,

Expressing grave concern at the trial, conviction and continued arbitrary house arrest of the General Secretary of the National League for Democracy, Daw Aung San Suu Kyi, and the rejection of her judicial appeal by the Myanmar Supreme Court,

1. *Strongly condemns* the ongoing systematic violations of human rights and fundamental freedoms of the people of Myanmar;

2. *Expresses concern* that the newly adopted electoral laws do not meet the expectations of the international community regarding what is needed for an inclusive political process and calls upon the Government of Myanmar to ensure a free, transparent and fair electoral process which allows for the participation therein of all voters, all political parties, and all other relevant stakeholders in a manner of their choosing;

3. *Calls upon* the Government of Myanmar to pursue a process of national reconciliation for a credible transition to democracy and to take immediate measures to engage in a meaningful and substantive dialogue with all opposition parties and ethnic groups, including Daw Aung San Suu Kyi, and to permit her unrestricted contact with all members of the National League for Democracy and other domestic stakeholders, and notes with interest her recent contacts with the Government of Myanmar;

4. *Strongly calls upon* the Government of Myanmar to cooperate with the international community in order to achieve concrete progress as regards human rights and fundamental freedoms, and political processes;

5. *Strongly urges*, while noting the release from house arrest of U Tin Oo, the Vice-Chairman of the National League for Democracy, and of more than 100 prisoners of conscience, the Government of Myanmar to desist from carrying out further politically motivated arrests, and to release without delay and without condition all prisoners of conscience, whose number is estimated to be about 2,100, including the General Secretary of the National League for Democracy, Daw Aung San Suu Kyi, the Chairman of the Shan Nationalities League for Democracy, U Khun Tun Oo, the leader of the 88 Generation Students Group, U Min Ko Naing, and one of the founders of the 88 Generation Students Group, Ko Ko Gyi, and to allow their full participation in the political process;

6. *Strongly calls upon* the Government of Myanmar to lift restrictions on the freedom of assembly, association, movement and expression, including for free and independent media, through ensuring the openly available and accessible use of Internet and mobile telephone services, and ending the use of censorship, including the use of the Electronic Transactions Law to prevent the reporting of views critical of the Government;

7. *Calls upon* the Government of Myanmar to undertake a transparent, inclusive and comprehensive review of compliance of all national legislation with international human rights law, while fully engaging with democratic opposition and ethnic groups, recalling that the procedures established for the drafting of the Constitution resulted in a de facto exclusion of opposition groups from the process;

8. *Urges* the Government of Myanmar to ensure the independence and impartiality of the judiciary, to guarantee due process of law, and to fulfil earlier assurances given by the authorities of Myanmar to the Special Rapporteur with respect to beginning a dialogue on judicial reform;

9. *Calls upon* the Government of Myanmar to undertake without delay a full, transparent, effective, impartial and independent investigation into all reports of human rights violations, including enforced disappearances, arbitrary detentions, rape and other forms of sexual violence, and torture and other forms of ill-treatment, and to bring to justice those responsible in order to end impunity for violations of human rights;

10. *Also calls upon* the Government of Myanmar to address as a matter of urgency consistent reports of torture and ill-treatment of prisoners of conscience, as well as to improve conditions in prisons and other detention facilities, and to avoid the dispersal of prisoners of conscience to isolated prisons far from their families where they cannot receive regular visits or deliveries of supplementary supplies, including food and medicine;

11. *Strongly urges* the Government of Myanmar to end all forms of discrimination and to protect civil, political, economic, social and cultural rights on the basis of the Universal Declaration of Human Rights and, in particular, to comply with its human rights obligations under the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child in this regard;

12. *Expresses its serious concern* about the continuing discrimination, human rights violations, violence, displacement and economic deprivation affecting numerous ethnic minorities, including, but not limited to, the Rohingya ethnic minority in Northern Rakhine State, and calls upon the Government of Myanmar to take immediate action to bring about an improvement in their respective situations, and to recognize the right of members of the Rohingya ethnic minority to nationality and to protect all of their human rights;

13. *Welcomes* the prolongation in February 2010 of the Supplementary Understanding between the International Labour Organization and the Government of Myanmar, the Government's increased willingness to apply penalties against those perpetrating forced labour, and the joint Government-International Labour Organization awareness-raising activities, but strongly condemns the continued and serious harassment of complainants and facilitators, and urgently calls for the release of those who remain in detention as well as of the International Labour Organization facilitator U Zaw Htay, and urges the Government to intensify measures to

end forced labour and to strengthen its growing cooperation with the liaison officer of the International Labour Organization;

14. *Strongly calls upon* the Government of Myanmar to take urgent measures to put an end to violations of international human rights and humanitarian law, including the targeting of persons belonging to particular ethnic groups, the targeting of civilians by military operations, including in the eastern part of Myanmar, and rape and other forms of sexual violence, and to end impunity for such acts without delay;

15. *Also strongly calls upon* the Government of Myanmar to put an immediate end to the recruitment and use of child soldiers in violation of international law by all parties, welcomes the recent engagement of the Government on this issue and urges it to intensify measures to ensure the protection of children from armed conflict and to pursue its collaboration with the Special Representative of the Secretary-General for Children and Armed Conflict, including by granting access to areas where children are recruited, for the purpose of implementing an action plan to halt this practice;

16. *Urges* the Government of Myanmar to provide, in cooperation with the Office of the United Nations High Commissioner for Human Rights, adequate human rights and international humanitarian law training for its armed forces, police and prison personnel, to ensure their strict compliance with international human rights law and international humanitarian law and to hold them accountable for any violations thereof;

17. *Calls upon* the Government of Myanmar to ensure timely, safe, full and unhindered access to all parts of Myanmar, including conflict and border areas, for the United Nations, international humanitarian organizations and their partners, and to cooperate fully with those actors to ensure that humanitarian assistance is delivered throughout the country to all persons in need, including displaced persons;

18. *Also calls upon* the Government of Myanmar to consider acceding to the remaining international core human rights treaties, which would enable a dialogue with other human rights treaty bodies;

19. *Further calls upon* the Government of Myanmar to allow human rights defenders to pursue their activities unhindered and to ensure their safety, security and freedom of movement in that pursuit;

20. *Decides* to extend for one year the mandate of the Special Rapporteur on the situation of human rights in Myanmar, in accordance with Commission on Human Rights resolutions 1992/58 of 3 March 1992 and 2005/10 of 14 April 2005, and Council resolutions 7/32 of 28 March 2008 and 10/27;

21. *Urges* the Government of Myanmar to continue to respond favourably and on a more timely basis to the Special Rapporteur's requests to visit the country, to extend its full cooperation, including by providing access to all relevant information, bodies, institutions and persons, so as to enable him to fulfil his mandate effectively, and to implement the recommendations addressed to the Government contained in his reports (A/HRC/6/14, A/HRC/7/18, A/HRC/7/24, A/HRC/8/12, A/HRC/10/19 and A/HRC/13/48) and in Council

resolutions S-5/1 of 2 October 2007, 6/33 of 14 December 2007, 7/31 of 28 March 2008, 8/14 of 18 June 2008, 10/27 and 12/20;

22. *Requests* the Special Rapporteur to submit a progress report to the General Assembly at its sixty-fifth session and to the Council in accordance with its annual programme of work;

23. *Calls upon* the Office of the High Commissioner to provide the Special Rapporteur with all necessary assistance and resources to enable him to discharge his mandate fully;

24. *Calls upon* the Government of Myanmar to continue to engage in a dialogue with the Office of the High Commissioner with a view to ensuring full respect for all human rights and fundamental freedoms;

25. *Expresses its strong support* for the good offices mission and commitment of the Secretary-General, and calls upon the Government of Myanmar to ensure full cooperation with the Secretary-General and the Special Rapporteur.

44th meeting
26 March 2010

[Adopted without a vote]

13/26. Protection of human rights and fundamental freedoms while countering terrorism

The Human Rights Council,

Reaffirming its decision 2/112 of 27 November 2006 and its resolutions 6/28 of 14 December 2007, 7/7 of 27 March 2008 and 10/15 of 26 March 2009, and Commission on Human Rights resolutions 2003/68 of 25 April 2003, 2004/87 of 21 April 2004 and 2005/80 of 21 April 2005, and recalling General Assembly resolutions 57/219 of 18 December 2002, 58/187 of 22 December 2003, 59/191 of 20 December 2004, 60/158 of 16 December 2005, 61/171 of 19 December 2006, 62/159 of 18 December 2007, 63/185 of 18 December 2008 and 64/168 of 18 December 2009, and welcoming the efforts of all relevant stakeholders to implement those resolutions,

Recognizing the importance of the United Nations Global Counter-Terrorism Strategy, adopted on 8 September 2006, reaffirming that the promotion and protection of human rights for all and the rule of law are essential to the fight against terrorism, recognizing that effective counter-terrorism measures and the protection of human rights are not conflicting goals but complementary and mutually reinforcing, and stressing the need to promote and protect the rights of victims of terrorism,

1. *Calls upon* States to ensure that any measure taken to counter terrorism complies with international law, in particular international human rights, refugee and humanitarian law;

2. *Expresses serious concern* at the violations of human rights and fundamental freedoms, as well as of refugee and international humanitarian law, in the context of countering terrorism;

3. *Deeply deplores* the suffering caused by terrorism to the victims and their families and expresses its profound solidarity with them, and stresses the importance of providing them with proper assistance;

4. *Reaffirms* its unequivocal condemnation of all acts, methods, practices and financing of terrorism, in all its forms and manifestations, wherever and by whomsoever committed, regardless of their motivation, as criminal and unjustifiable, and renews its commitment to strengthen international cooperation to prevent and combat terrorism and, in that regard, calls upon States and other relevant actors, as appropriate, to continue to implement the United Nations Global Counter-Terrorism Strategy, which reaffirms, inter alia, respect for human rights for all and the rule of law to be the fundamental basis of the fight against terrorism;

5. *Calls upon* States, while countering terrorism, to ensure that any person whose human rights or fundamental freedoms have been violated has access to an effective remedy and that victims will receive adequate, effective and prompt reparations where appropriate, including by bringing to justice those responsible for such violations;

6. *Urges* States, while countering terrorism, to protect all human rights, including economic, social and cultural rights, bearing in mind that certain counter-terrorism measures may have an impact on the enjoyment of these rights;

7. *Calls upon* States, while countering terrorism, to safeguard the right to privacy in accordance with international law, and urges them to take measures to ensure that interferences with the right to privacy are regulated by law, subject to effective oversight and appropriate redress, including through judicial review or other means;

8. *Urges* States, while countering terrorism, to respect the right to be equal before the courts and tribunals and to a fair trial, as provided for by international law, including international human rights law, such as article 14 of the International Covenant on Civil and Political Rights and, as applicable, international humanitarian law and refugee law;

9. *Reiterates* the concerns expressed by the General Assembly in its resolution 64/168 with regard to measures that can undermine human rights and the rule of law, and urges all States to take all necessary steps to ensure that persons deprived of liberty, regardless of the place of arrest or of detention, enjoy the guarantees to which they are entitled under international law, including the review of their detention and other fundamental judicial guarantees;

10. *Acknowledges* the report of the Special Rapporteur on the promotion and protection of human rights while countering terrorism (A/HRC/13/37);

11. *Requests* all States to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, including by reacting promptly to the urgent appeals and providing the information requested, and to give serious consideration to responding favourably to requests by the Special Rapporteur to visit their countries;

12. *Regrets* that the Special Rapporteur did not submit the compilation of good practices on legal and institutional frameworks and measures that ensure respect for human rights by intelligence agencies while countering terrorism as mandated by the Council in paragraph 12 of its resolution 10/15 of 26 March 2009, and therefore reiterates the requests to the Special

Rapporteur, with the support of the Secretariat, to present the compilation to the Council no later than its fifteenth session;

13. *Welcomes* the report of the United Nations High Commissioner for Human Rights on the protection of human rights and fundamental freedoms while countering terrorism (A/HRC/13/36), as well as the work to implement the mandate given to her by the Commission on Human Rights in its resolution 2005/80 and the General Assembly in its resolution 60/158, and requests the High Commissioner to continue her efforts in this regard;

14. *Requests* the High Commissioner and the Special Rapporteur to contribute further appropriately to the ongoing discussion regarding the efforts of Member States of the United Nations to assure adequate human rights guarantees to ensure fair and clear procedures, in particular with regard to placing on, reviewing and removing individuals and entities from terrorism-related sanctions lists;

15. *Welcomes* the decision taken by the Security Council in its resolution 1904 (2009) of 17 December 2009 to establish an office of the Ombudsperson, and looks forward to an early appointment as a step to continue enhancing fair and clear procedures for persons on the consolidated list of the Security Council established and maintained by the 1267 Committee;

16. *Stresses* the importance that relevant United Nations bodies and entities and international, regional and subregional organizations, in particular those that are participating in the Counter-Terrorism Implementation Task Force, which provide technical assistance related to the prevention and suppression of terrorism to consenting States, include, as appropriate and where consistent with their mandates, the respect of international human rights law and, as applicable, international humanitarian law and refugee law, as well as the rule of law, as an important element of technical assistance that they offer to States related to counter-terrorism, including by drawing on the advice of, and otherwise ensuring the ongoing dialogue with, the special procedures of the Council within their mandates and the Office of the High Commissioner and relevant stakeholders;

17. *Acknowledges* that the active participation of civil society can reinforce ongoing governmental efforts to protect human rights and fundamental freedoms while countering terrorism;

18. *Invites* the Office of the High Commissioner and the relevant special procedures of the Council to engage in further dialogue with the Security Council Counter-Terrorism Committee in order to promote a consistent approach to the protection of human rights and fundamental freedoms while countering terrorism, and would welcome further efforts by the Security Council Counter-Terrorism and 1267 committees, in the fulfilment of their respective mandates, to integrate a human rights approach into its counter-terrorism objectives;

19. *Requests* the High Commissioner and the Special Rapporteur to present their reports, bearing in mind the content of the present resolution, to the Council at its sixteenth session under agenda item 3, in conformity with its annual programme of work.

45th meeting
26 March 2010

[Adopted without a vote]

13/27. A world of sports free from racism, racial discrimination, xenophobia and related intolerance

The Human Rights Council,

Stressing the importance of combating racism, racial discrimination, xenophobia and related intolerance in all circumstances, including in sports,

Recalling the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Vienna Declaration and Programme of Action and the Durban Declaration and Programme of Action,

Acknowledging that, in paragraph 218 of the Durban Declaration and Programme of Action, the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance urged States, in cooperation with intergovernmental organizations, the International Olympic Committee and international and regional sports federations to intensify the fight against racism in sport by, among other things, educating the youth of the world through sport practised without discrimination of any kind and in the Olympic spirit, which requires human understanding, tolerance, fair play and solidarity,

Acknowledging also that the Durban Review Conference, in paragraph 128 of its outcome document, urged all international sporting bodies to promote, through their national, regional and international federations, a world of sports free from racism, racial discrimination, xenophobia and related intolerance,

Recognizing the potential of sport as a universal language contributing to educating people on the values of diversity, tolerance and fairness and as a means to combat racism, racial discrimination, xenophobia and related intolerance,

Acknowledging the use of mass sport events to promote and support sport for development and peace initiatives and, in this regard, welcoming General Assembly resolution 63/135 of 11 December 2008, in which the Assembly recognized the value of sport as a means to promote education, development and peace and welcomed the establishment of the United Nations Office of Sport for Development and Peace,

Recognizing the potential of sport in contributing to the achievement of the Millennium Development Goals, and noting that, as declared at the 2005 World Summit, sport has the potential to foster peace and development and to contribute to an atmosphere of tolerance and understanding,

Recognizing also the potential contribution of the Special Adviser to the Secretary-General on Sport for Development and Peace, the Office of Sport for Development and Peace, the Physical Education and Sport Unit of the United Nations Educational, Scientific and Cultural Organization and the Group of Friends of Sport for Development and Peace to combat racism, racial discrimination, xenophobia and related intolerance in sports, *Recognizing further* the imperative need to engage women and girls in the practice of sport for development and peace and, in this regard, welcoming activities that aim to foster and encourage such initiatives at the global level,

Welcoming General Assembly resolution 64/4 of 19 October 2009 on the building of a peaceful and better world through sport and the Olympic ideal and, in this context, welcoming also the adoption on that date of resolution 64/3, in which the Assembly invited the International Olympic Committee to participate in its sessions and work in the capacity of observer,

Recalling Council resolution 9/14 of 18 September 2008, in which the Council urged the United Nations High Commissioner for Human Rights to take measures, in consultation with various international sporting and other organizations, to enable them to contribute to the struggle against racism and racial discrimination,

Recalling also Commission on Human Rights resolution 2005/64 of 20 April 2005, in which the Commission condemned all acts of racism in sporting events and urged all States and national, regional and international sporting associations and federations to adopt firm measures for the prevention of such acts,

Expressing serious concern at past and recent incidents of racism in sports and at sporting events and, in this context, welcoming efforts of sports governing bodies to combat racism, including by pursuing anti-racism initiatives and by developing and applying disciplinary codes that impose sanctions for racist acts,

Noting with appreciation the initiatives taken by the United Nations system, as well as national, regional and international sports federations and organizations, to promote development and peace through sport and physical education and, in this respect, acknowledging the importance of the work of grass-roots organizations,

Welcoming the readiness of South Africa to host the historic 2010 International Federation of Association Football World Cup, to be held for the first time on the African continent in recognition of its contribution to the advancement of world sports, and recalling the endorsement and support of the Heads of State and Government of the African Union for efforts to ensure the success of the event,

Recalling the invitation to the International Federation of Association Football, in connection with the 2010 Football World Cup tournament to be held in South Africa, to introduce a visible theme on non-racism in football,

Recalling also the request to the High Commissioner for Human Rights, in her capacity as Secretary-General of the Durban Review Conference, to bring the above-mentioned invitation to the attention of the International Federation of Association Football and to bring the issue of racism in sport to the attention of other relevant international sporting bodies,

Welcoming the hosting of the 2010 and 2014 International Federation of Association Football World Cups in South Africa and in Brazil, respectively; the hosting of the inaugural 2010 Summer Youth Olympic Games in Singapore; the hosting of the 2011 International Federation of Association Football Women's World Cup in Germany; the hosting of the 2010 and 2014 Winter Olympic and Paralympic Games in the cities of Vancouver, Canada, and Sochi, Russian Federation, respectively; the hosting of the 2012 and 2016 Summer Olympic and Paralympic Games in the cities of London and Rio de Janeiro, respectively; and stressing the importance of making use of these events to promote understanding, tolerance and peace and to promote and strengthen efforts in the fight against racism, racial discrimination, xenophobia and related intolerance,

1. *Recognizes* the shared commitment to a world of sports free from racism, racial discrimination, xenophobia and related intolerance, and calls upon all States to take all necessary measures to that end;

2. *Welcomes* the historic and unique dimension of the 2010 International Federation of Association Football World Cup in South Africa, which marks the first time this major sport event will be held on the African continent;

3. *Underlines* the importance of combating impunity for racially motivated crimes in sport, and urges States to take all appropriate measures, in accordance with domestic legislation and international obligations, to prevent, combat and address all manifestations of racism, racial discrimination, xenophobia and related intolerance in the context of sporting events, and to ensure that racially-motivated crimes are punished by law, as appropriate;

4. *Stresses* the importance of combating and addressing acts of incitement to discrimination, hostility or violence in sporting events;

5. *Strongly encourages* States to organize and finance awareness-raising campaigns for preventing and combating racism, racial discrimination, xenophobia and related intolerance in sport;

6. *Encourages* relevant special procedures mandate holders to consider, within their existing mandates, the human rights dimensions and potential of sports free from racism, racial discrimination, xenophobia and related intolerance;

7. *Invites* States to consider including in their national reports, to be submitted to the Council under the universal periodic review mechanism, information on measures to combat racism, racial discrimination, xenophobia and related intolerance in sports and to promote sports as a tool to combat all forms of racism, racial discrimination, xenophobia and related intolerance;

8. *Encourages* States to share experience and best practices in fighting all forms of racism and racial discrimination, xenophobia and related intolerance in sport and in promoting integration and intercultural dialogue in and through sport;

9. *Invites* the President of South Africa, the President of the International Federation of Association Football and the Secretary-General to strengthen and reinforce the visible theme on non-racism in football at the World Cup to be held in South Africa in 2010;

10. *Invites* host countries, in cooperation with the United Nations High Commissioner for Human Rights, the Special Adviser to the Secretary-General on Sport for Development and Peace, relevant parts of the United Nations, the International Olympic Committee, the International Federation of Association Football and other relevant international sporting bodies to seize the opportunity offered by major sports events to develop campaigns aimed at

sensitizing a wide public on the eradication of racism, racial discrimination, xenophobia and related intolerance;

11. *Invites* the High Commissioner to cooperate with the Special Adviser to the Secretary-General on Sport for Development and Peace, relevant parts of the United Nations, the International Olympic Committee, the International Federation of Association Football and other relevant international, regional and national sports associations and federations, as well as non-governmental organizations and civil society, in the development of programmes to prevent and eradicate racism, racial discrimination, xenophobia and related intolerance in sports and to use sports as a tool to eliminate all forms of discrimination;

12. *Encourages* the High Commissioner, the Special Adviser to the Secretary-General on Sport for Development and Peace and other relevant parts of the United Nations to engage with relevant international sporting bodies to discuss practical measures aimed at combating racism, racial discrimination, xenophobia and related intolerance in sport, such as the development and promotion of codes of conduct against racism in sport and of international certificates for clubs and sports associations cooperating with programmes aimed at eradicating racism, racial discrimination, xenophobia and related intolerance in sports;

13. *Encourages* the High Commissioner and the President of the Council to invite, when appropriate, representatives of international sporting bodies to dialogue with the Council on these matters;

14. *Calls on* States, the United Nations and sport-related institutions to help initiate and assist in the implementation of grass-roots initiatives aimed at combating racism, racial discrimination, xenophobia and related intolerance in sports, and invites the United Nations Office of Sport for Development and Peace, where appropriate, to coordinate and facilitate the engagement of the respective stakeholders;

15. *Requests* the High Commissioner to include these matters, as appropriate, in her relevant reports submitted to the Council.

45th meeting
26 March 2010

[Adopted without a vote]

B. Decisions

13/101. Outcome of the universal periodic review: Eritrea

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Eritrea on 30 November 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Eritrea which is constituted of the report of the Working Group on Eritrea (A/HRC/13/2), together with the views of Eritrea concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/13/56, chapter VI and A/HRC/13/2/Add.1).

28th meeting
17 March 2010

[Adopted without a vote]

13/102. Outcome of the universal periodic review: Cyprus

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Cyprus on 30 November 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Cyprus which is constituted of the report of the Working Group on Cyprus (A/HRC/13/7), together with the views of Cyprus concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/13/56, chapter VI and A/HRC/13/7/Add.1).

28th meeting
17 March 2010

[Adopted without a vote]

13/103. Outcome of the universal periodic review: Dominican Republic

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of the Dominican Republic on 1 December 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on the Dominican Republic which is constituted of the report of the Working Group on the Dominican Republic (A/HRC/13/3), together with the views of the Dominican Republic concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/13/56, chapter VI).

28th meeting
17 March 2010

[Adopted without a vote]

13/104. Outcome of the universal periodic review: Cambodia

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Cambodia on 1 December 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Cambodia which is constituted of the report of the Working Group on Cambodia (A/HRC/13/4 and A/HRC/13/4/Corr.1), together with the views of Cambodia concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/13/56, chapter VI).

29th meeting
17 March 2010

[Adopted without a vote]

13/105. Outcome of the universal periodic review: Norway

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Norway on 2 December 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Norway which is constituted of the report of the Working Group on Norway (A/HRC/13/5 and A/HRC/13/5/Corr.1), together with the views of Norway concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/13/56, chapter VI and A/HRC/13/5/Add.1).

29th meeting
17 March 2010

[Adopted without a vote]

13/106. Outcome of the universal periodic review: Albania

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Albania on 2 December 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Albania which is constituted of the report of the Working Group on Albania (A/HRC/13/6), together with the views of Albania concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/13/56, chapter VI).

29th meeting
17 March 2010

[Adopted without a vote]

13/107. Outcome of the universal periodic review: Democratic Republic of the Congo

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of the Democratic Republic of the Congo on 3 December 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on the Democratic Republic of the Congo which is constituted of the report of the Working Group on the Democratic Republic of the Congo (A/HRC/13/8), together with the views of the Democratic Republic of the Congo concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/13/56, chapter VI).

30th meeting
18 March 2010

[Adopted without a vote]

13/108. Outcome of the universal periodic review: Côte d'Ivoire

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Côte d'Ivoire on 3 December 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Côte d'Ivoire which is constituted of the report of the Working Group on Côte d'Ivoire (A/HRC/13/9), together with the views of Côte d'Ivoire concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/13/56, chapter VI and A/HRC/13/9/Add.1/Rev.1).

30th meeting
18 March 2010

[Adopted without a vote]

13/109. Outcome of the universal periodic review: Portugal

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in

accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Portugal on 4 December 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Portugal which is constituted of the report of the Working Group on Portugal (A/HRC/13/10), together with the views of Portugal concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/13/56, chapter VI and A/HRC/13/10/Add.1).

30th meeting
18 March 2010

[Adopted without a vote]

13/110. Outcome of the universal periodic review: Bhutan

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Bhutan on 4 December 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Bhutan which is constituted of the report of the Working Group on Bhutan (A/HRC/13/11), together with the views of Bhutan concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/13/56, chapter VI and A/HRC/13/11/Add.1).

31st meeting
18 March 2010

[Adopted without a vote]

13/111. Outcome of the universal periodic review: Dominica

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in

accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Dominica on 7 December 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Dominica which is constituted of the report of the Working Group on Dominica (A/HRC/13/12), together with the views of Dominica concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/13/56, chapter VI).

31st meeting
18 March 2010

[Adopted without a vote]

13/112. Outcome of the universal periodic review: Democratic People's Republic of Korea

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of the Democratic People's Republic of Korea on 7 December 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on the Democratic People's Republic of Korea which is constituted of the report of the Working Group on the Democratic People's Republic of Korea (A/HRC/13/13), together with the views of the Democratic People's Republic of Korea concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/13/56, chapter VI).

31st meeting
18 March 2010

[Adopted without a vote]

13/113. Outcome of the universal periodic review: Brunei Darussalam

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Brunei Darussalam on 8 December 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Brunei Darussalam which is constituted of the report of the Working Group on Brunei Darussalam (A/HRC/13/14), together with the views of Brunei Darussalam concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/13/56, chapter VI and A/HRC/13/14/Add.1).

32nd meeting
19 March 2010

[Adopted without a vote]

13/114. Outcome of the universal periodic review: Costa Rica

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Costa Rica on 8 December 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Costa Rica which is constituted of the report of the Working Group on Costa Rica (A/HRC/13/15), together with the views of Costa Rica concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/13/56, chapter VI and A/HRC/13/15/Add.1).

32nd meeting
19 March 2010

[Adopted without a vote]

13/115. Outcome of the universal periodic review: Equatorial Guinea

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Equatorial Guinea on 9 December 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Equatorial Guinea which is constituted of the report of the Working Group on Equatorial Guinea (A/HRC/13/16), together with the views of Equatorial Guinea concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/13/56, chapter VI).

32nd meeting
19 March 2010

[Adopted without a vote]

13/116. Outcome of the universal periodic review: Ethiopia

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Ethiopia on 9 December 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Ethiopia which is constituted of the report of the Working Group on Ethiopia (A/HRC/13/17), together with the views of Ethiopia concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/13/56, chapter VI and A/HRC/13/17/Add.1).

33rd meeting
19 March 2010

[Adopted without a vote]

13/117. Trafficking in persons, especially women and children

The Human Rights Council,

Reaffirming all previous resolutions by the General Assembly, the Commission on Human Rights and the Council on the problem of trafficking in persons, especially women and children, in particular Council resolutions 8/12 of 18 June 2008 and 11/3 of 17 June 2009,

Decides:

(a) To hold a panel discussion at its fourteenth session to give voice to victims of trafficking in persons, with due consideration for the psychological well-being of the victims involved, with a view to reinforcing the centrality of their human rights and needs, and taking into account their recommendations when devising actions to combat human trafficking;

(b) To request the Office of the United Nations High Commissioner for Human Rights to organize the panel, within existing resources, with the participation of the High Commissioner, the Special Rapporteur on trafficking in persons, especially women and children, and the victims of trafficking in persons;

(c) To also request the Office of the High Commissioner to encourage the presence of relevant human rights mechanisms and specialized agencies and programmes, as well as civil society and national human rights institutions, in the panel session.

45th meeting
26 March 2010

[Adopted without a vote]

C. President's Statement

PRST/13/1. Reports of the Advisory Committee

At the 44th meeting, on 26 March 2010, the President of the Human Rights Council read out the following statement:

"*The Human Rights Council,*

1. *Takes note* of the reports of the Advisory Committee on its third and fourth sessions (A/HRC/AC/3/2 and A/HRC/AC/4/4);

2. *Notes* that six recommendations were made by the Advisory Committee relating to the following:

(a) A draft set of principles and guidelines for the elimination of discrimination against persons affected by leprosy and their family members;

(b) A draft United Nations declaration on human rights education and training;

(c) A preliminary study on discrimination in the context of the right to food;

(d) The human rights of older persons;

(e) Missing persons;

(f) The protection of civilians in armed conflict;

3. *Also notes* that:

(a) The first and fifth recommendations have been addressed in the context of Council resolution 12/7 of 1 October 2009 and Council decision 12/117, also of 1 October 2009, respectively, while the second and third recommendations have been addressed in draft resolutions A/HRC/13/L.22 and A/HRC/13/L.17, respectively;

(b) The fourth recommendation, regarding the human rights of older persons, may be addressed in the context of the work of the Council at its future sessions;

(c) As recommended by the Advisory Committee, the participation of an expert of the Committee in the second expert consultation on the issue of protection of the human rights of civilians in armed conflict, convened in accordance with Council resolution 12/5 of 1 October 2009, is welcomed.

It is my understanding that, after consulting with Member States, this procedure does not set any precedent for the future reports of the Advisory Committee, which will be dealt with in accordance with Council resolution 5/1."

III. Fourteenth session

A. Resolutions

14/1. The grave attacks by Israeli forces against the humanitarian boat convoy

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations and the provisions of the Universal Declaration of Human Rights,

Taking into consideration the provisions of the fourth Geneva Convention relative to the Protection of Civilian Persons in Times of War, of 12 August 1949,

Emphasizing the importance of the safety and well-being of all civilians, including humanitarian personnel,

Expressing grave concern at the deepening humanitarian crisis in occupied Gaza, *Emphasizing* the need to ensure the sustained and regular flow of goods and people into occupied Gaza, and welcoming the initiatives aimed at creating and opening humanitarian corridors and other mechanisms for the sustained delivery of humanitarian aid,

1. *Condemns in the strongest terms* the outrageous attack by the Israeli forces against the humanitarian flotilla of ships, which resulted in the killing and injuring of many innocent civilians from different countries;

2. *Deeply deplores* the loss of life of innocent civilians, and expresses its deepest sympathy and condolences to the victims and their families;

3. *Calls upon* the occupying Power, Israel, to cooperate fully with the International Committee of the Red Cross to seek and provide information on the whereabouts status and condition of detained and injured persons;

4. *Demands* that the occupying Power, Israel, immediately release all detained men and material and facilitate their safe return to their homelands;

5. Calls upon the occupying Power, Israel, to immediately lift the siege on occupied Gaza and other occupied territories;

6. *Also calls upon* the occupying Power, Israel, to ensure the unimpeded provision of humanitarian assistance, including of food, fuel and medical treatment, to the occupied Gaza Strip;

7. *Welcomes* the statements made by the Secretary-General and the United Nations High Commissioner for Human Rights condemning the Israeli attacks and calls for full accountability and credible independent inquiries into these attacks;

8. *Decides* to dispatch an independent, international fact-finding mission to investigate violations of international law, including international humanitarian and human rights law, resulting from the Israeli attacks on the flotilla of ships carrying humanitarian assistance;

9. *Also decides* to authorize the President of the Council to appoint members to the above-mentioned fact-finding mission, who should report on their findings to the Council at its fifteenth session;

10. *Further decides* to remain seized of this matter.

10th meeting
2 June 2010

[Adopted by a recorded vote of 32 to 3, with 9 abstentions. The voting was as follows:

In favour: Angola, Argentina, Bahrain, Bangladesh, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Chile, China, Cuba, Djibouti, Egypt, Gabon, Ghana, India, Indonesia, Jordan, Kyrgyzstan, Mauritius, Mexico, Nicaragua, Nigeria, Norway, Pakistan, Philippines, Qatar, Russian Federation, Saudia Arabia, Senegal, Slovenia, South Africa, Uruguay;

Against: Italy, Netherlands, United States of America;

Abstaining: Belgium, Burkina Faso, France, Hungary, Japan, Republic of Korea, Slovakia, Ukraine, United Kingdom of Great Britain and Northern Ireland.]

14/2. Trafficking in persons, especially women and children: regional and subregional cooperation in promoting a human rights-based approach to combating trafficking in persons

The Human Rights Council,

Reaffirming all previous resolutions on the problem of trafficking in persons, especially women and children, in particular General Assembly resolutions 63/156 of 18 December 2008 and 64/178 of 18 December 2009, and Council resolutions 8/12 of 18 June 2008, in which it extended the mandate of the Special Rapporteur on trafficking in persons, especially women and children, and 11/3 of 17 June 2009, and recalling Council resolution 12/15 of 1 October 2009 on regional arrangements for the promotion and protection of human rights,

Recalling the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Reaffirming the principles set forth in relevant human rights instruments and declarations, including the Convention on the Rights of the Child and the Optional Protocol thereto on the sale of children, child prostitution and child pornography, and the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol thereto,

Recalling the United Nations Convention against Transnational Organized Crime and the Protocols thereto, and reaffirming in particular the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and recalling the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others,

Recalling also the Forced Labour Convention, 1930 (No. 29) and the Worst Forms of Child Labour Convention, 1999 (No. 182) of the International Labour Organization,

Recognizing the concern expressed by the Human Rights Committee, the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child and the Committee against Torture about the persistence of trafficking and the vulnerability of victims to human rights violations,

Affirming that trafficking in persons violates and impairs the enjoyment of human rights, continues to pose a serious challenge to humanity and requires a concerted international assessment and response and genuine multilateral cooperation among countries of origin, transit and destination for its eradication, *Recognizing* that victims of trafficking are particularly exposed to racism, racial discrimination, xenophobia and related intolerance and that women and girl victims are often subject to multiple forms of discrimination and violence, including on the grounds of gender, age, disability, ethnicity, culture and religion, as well as national or social origin, and that these forms of discrimination may themselves fuel trafficking in persons,

Bearing in mind that all States have an obligation to exercise due diligence to prevent trafficking in persons, to investigate instances of trafficking and punish perpetrators, to rescue victims and to provide for their protection, and that not doing so violates and impairs or nullifies the enjoyment of the human rights and fundamental freedoms of victims,

Recognizing the need to address the impact of globalization on the particular problem of trafficking in women and children,

Recognizing also the challenges to combating trafficking in persons, especially women and children, owing to the lack of adequate legislation and implementation of existing legislation, the lack of availability of reliable sex- and age-disaggregated data and statistics and the lack of resources, and recognizing the role of international cooperation in this regard,

Noting that some of the demand for prostitution and forced labour is met by trafficking in persons,

Emphasizing that policies and programmes for prevention, rehabilitation, return and reintegration should be developed through a gender- and age-sensitive, comprehensive and multidisciplinary approach, with concern for the security of the victims and respect for the full enjoyment of their human rights and with the involvement of all actors in countries of origin, transit and destination,

Welcoming in particular the efforts of Governments, United Nations bodies and agencies and intergovernmental and non-governmental organizations to address the problem of trafficking in persons, especially women and children, including at the national, subregional and regional levels,

Noting the convening of the seminar on the theme "A human rights approach to combating human trafficking: challenges and opportunities" by the Office of the United Nations High Commissioner for Human Rights in Geneva on 27 and 28 May 2010,

Noting also the panel discussion on the theme "Giving voice to the victims and survivors of human trafficking", held on 2 June 2010 during the fourteenth session of the Human Rights Council,

Noting further efforts to consider a possible review mechanism on the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto,

Noting the ongoing work at the United Nations in New York to elaborate the Global Plan of Action to Combat Trafficking in Persons,

1. *Reiterates its concern* at:

(*a*) The high number of persons, especially women and children, in particular from developing countries and countries with economies in transition, who are being trafficked within and between regions and States;

(*b*) The increasing activities of transnational and national organized crime groups and others who profit from trafficking in persons, especially women and children, without regard for dangerous and inhumane conditions, in flagrant violation of domestic laws and international law and contrary to international standards;

(*c*) The use of new information technologies, including the Internet, for the purposes of exploitation of the prostitution of others and other forms of sexual exploitation, for trafficking in women as brides and for sex tourism, child pornography, paedophilia and any other form of sexual exploitation of children;

(*d*) The high level of impunity enjoyed by traffickers and their accomplices and the denial of rights and justice to victims of trafficking;

2. *Urges* Governments to incorporate a human rights-based approach into measures taken to prevent and end trafficking in persons and to protect, assist and provide access to adequate redress to victims, including the possibility of obtaining compensation from the perpetrators;

3. *Emphasizes* the importance of giving voice to victims of trafficking in persons, with due consideration for their psychological well-being, with a view to reinforcing the centrality of their human rights and needs, and taking into account their recommendations, when devising actions to combat human trafficking;

4. *Encourages* Governments to refer to the Recommended Principles and Guidelines on Human Rights and Human Trafficking developed by the Office of the United Nations High Commissioner for Human Rights (E/2002/68/Add.1) as a useful tool in integrating a human rights-based approach into their responses to combat trafficking in persons;

5. *Takes note with appreciation* of the report of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/14/32);

6. *Calls upon* Governments to consider signing and ratifying, as a matter of priority, in the case of Governments that have not yet done so, and for States parties to implement relevant United Nations legal instruments, such as the United Nations Convention against Transnational Organized Crime and the Protocols thereto, in particular the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and to take immediate steps to incorporate provisions of the Protocol into domestic legal systems;

7. *Also calls upon* Governments, with a view to enhancing regional and subregional cooperation to prevent and combat trafficking in persons, to take appropriate measures, inter alia:

(*a*) To promote the implementation of legally binding international instruments on combating trafficking in persons, including the Protocol to Prevent, Suppress and Punish

Trafficking in Persons, Especially Women and Children and, in particular, to promote the criminalization of all forms of trafficking as defined therein;

(*b*) To promote a coordinated and comprehensive approach to preventing and combating human trafficking through, inter alia, the development of regional initiatives or plans of action based on relevant international instruments, such as the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and integrating a human rights-based approach to combating trafficking;

(*c*) To promote the provision of gender- and age-sensitive responses which adequately address the needs of women, children and men as victims, in full respect of their human rights, in order to enhance the level of protection, assistance and recovery, with special attention to the identification of victims and their access to shelter, medical and psychosocial assistance, and rehabilitation in line with relevant international instruments, and to cooperate in this regard with intergovernmental and non-governmental organizations as appropriate;

(*d*) To promote an effective prosecutorial and judicial response with a victim-oriented approach providing for access to effective legal remedies and, as appropriate, compensation as well as measures of protection for witnesses;

(*e*) To facilitate the establishment of a strong regional network of counter-trafficking practitioners to promote cross-border cooperation, inter alia, through the organization of regular regional training and workshops for law-enforcement and immigration officials and members of Governments and diplomatic and consular personnel, as well as relevant stakeholders providing assistance to victims of trafficking;

(*f*) To support the adoption or strengthening of legislative or other measures to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking in persons, including the demand created by sex tourism, especially in children, and forced labour, and the enhancement in this regard of preventive measures, including legislative measures, to deter exploiters of trafficked persons and ensure their accountability;

(*g*) To support the adoption or strengthening of measures to alleviate the factors that make persons vulnerable to trafficking, such as poverty, underdevelopment, lack of opportunity, gender inequality and discrimination;

(*h*) To develop and implement, in partnership with international organizations, civil society and the media, information campaigns for the general public, including children, aimed at promoting awareness of the dangers associated with all forms of trafficking and educating them on their human rights, gender equality, self-respect and mutual respect;

(*i*) To share good practices on the integration of a human rights-based approach into anti-trafficking policies and programmes of action, and to identify lessons learned and address obstacles to effective responses to human trafficking;

(*j*) To establish or improve mechanisms for data collection and information exchange as a way of promoting cooperation to combat trafficking in persons, including through the systematic collection of sex- and age-disaggregated data while protecting the private life and identity of victims;

8. *Encourages* Governments to support cooperation and the exchange of information and expertise between regions and subregions;

9. *Calls upon* all Governments to continue to cooperate with the Special Rapporteur on trafficking in persons, especially women and children, and to consider responding favourably to requests to visit their countries and to provide all necessary information related to the mandate to enable the mandate holder to fulfil the duties of the mandate effectively;

10. *Requests* the Office of the High Commissioner to continue and strengthen its activities, including technical assistance and capacity-building, devoted to combating trafficking in persons in coordination with relevant international agencies;

11. *Also requests* the Office of the High Commissioner to promote at the regional and subregional levels the Recommended Principles and Guidelines on Human Rights and Human Trafficking developed by the Office;

12. *Requests* the Secretary-General to provide the Office of the High Commissioner with sufficient resources to fulfil its mandate in relation to combating trafficking in persons, especially women and children;

13. *Decides* to continue consideration of this matter under the same agenda item in accordance with its annual programme of work.

34th meeting
17 June 2010

[Adopted without a vote.]

14/3. Promotion of the right of peoples to peace

The Human Rights Council,

Recalling all previous resolutions on the promotion of the right of peoples to peace adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council,

Recalling also General Assembly resolution 39/11 of 12 November 1984 entitled "Declaration of the Right of Peoples to Peace" and the United Nations Millennium Declaration,

Determined to foster strict respect for the purposes and principles enshrined in the Charter of the United Nations,

Recalling the Declaration and Programme of Action on a Culture of Peace, adopted by the General Assembly in its resolution 53/243 of 13 September 1999, as well as

Assembly resolution 53/25 of 10 November 1998, in which the Assembly proclaimed the period 2001–2010 as the International Decade for a Culture of Peace and Non-Violence for the Children of the World,

Bearing in mind that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and to promote and encourage respect for human rights and fundamental freedoms for all without distinction of race, sex, language or religion,

Underlining, in accordance with the purposes and principles of the United Nations, its full and active support for the Organization and the enhancement of its role and effectiveness in strengthening international peace, security and justice and in promoting the solution of international problems and the development of friendly relations and cooperation among States,

Reaffirming the obligation of all States to settle their international disputes by peaceful means in such a manner that international peace, security, human rights and justice are not endangered,

Emphasizing its objective of promoting better relations among all States and contributing to creating conditions in which their people can live in true and lasting peace, free from any threat to or attack against their security,

Reaffirming the obligation of all States to refrain, in their international relations, from the threat or use of force against the territorial integrity or political independence of any State, or from acting in any other manner inconsistent with the purposes of the United Nations,

Reaffirming its commitment to peace, security and justice, respect for human rights and the continuing development of friendly relations and cooperation among States,

Rejecting the use of violence in the pursuit of political aims, and stressing that only peaceful political solutions can assure a stable and democratic future for all peoples around the world,

Reaffirming the importance of ensuring respect for the purposes and principles of the Charter and international law, including sovereignty, territorial integrity and the political independence of States,

Reaffirming also that all peoples have the right to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development,

Reaffirming further the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,

Recognizing that peace and security, development and human rights are mutually interlinked and reinforcing,

Affirming that human rights include social, economic and cultural rights and the right to peace, a healthy environment and development, and that development is, in fact, the realization of these rights, *Underlining* that the subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental rights, is contrary to the Charter and an impediment to the promotion of world peace and cooperation,

Recalling that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights can be fully realized,

Convinced of the aim of creating conditions of stability and well-being, which are necessary for peaceful and friendly relations among nations based on respect for the principle of the equal rights and self-determination of peoples,

Convinced also that life without war is the primary international prerequisite for the material well-being, development and progress of countries and for the full implementation of the rights and fundamental human freedoms proclaimed by the United Nations,

Convinced further that international cooperation in the field of human rights contributes to the creation of an international environment of peace and stability,

Welcoming the important work being carried out by civil society organizations for the promotion of the right of peoples to peace and the codification of that right,

1. *Reaffirms* that the peoples of our planet have a sacred right to peace;

2. *Also reaffirms* that the preservation of the right of peoples to peace and the promotion of its implementation constitute a fundamental obligation of all States;

3. *Stresses* the importance of peace for the promotion and protection of all human rights for all;

4. *Also stresses* that the deep fault line that divides human society between the rich and the poor and the ever-increasing gap between the developed world and the developing world pose a major threat to global prosperity, peace, human rights, security mand stability;

5. *Further stresses* that peace and security, development and human rights are the pillars of the United Nations system and the foundations for collective security and well-being;

6. *Emphasizes* that ensuring the exercise of the right of peoples to peace and its promotion demands that the policies of States be directed towards the elimination of the threat of war, particularly nuclear war, the renunciation of the use or threat of use of force in international relations and the settlement of international disputes by peaceful means on the basis of the Charter of the United Nations;

7. *Affirms* that all States should promote the establishment, maintenance and strengthening of international peace and security and an international system based on respect for the principles enshrined in the Charter and the promotion of all human rights and fundamental freedoms, including the right to development and the right of peoples to self-determination;

8. *Urges* all States to respect and to put into practice the principles and purposes of the Charter in their relations with all other States, irrespective of their political, economic or social systems or of their size, geographical location or level of economic development;

9. *Reaffirms* the duty of all States, in accordance with the principles of the Charter, to use peaceful means to settle any dispute to which they are parties and the continuance of which is likely to endanger the maintenance of international peace and security, and encourages States to settle their disputes as early as possible, as an important contribution to the promotion and protection of all human rights of everyone and all peoples;

10. *Underlines* the vital importance of education for peace as a tool to foster the realization of the right of peoples to peace, and encourages States, United Nations specialized agencies and intergovernmental and non-governmental organizations to contribute actively to this endeavour;

11. *Calls upon* States and relevant United Nations bodies to promote the effective implementation of the Declaration and Programme on a Culture of Peace;

12. *Invites* States and relevant United Nations human rights mechanisms and procedures to continue to pay attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of all human rights;

13. *Welcomes* the holding of the workshop on the right of peoples to peace in Geneva on 15 and 16 December 2009, with the participation of experts from all regions of the world;

14. *Takes note with satisfaction* of the report of the Office of the United Nations High Commissioner for Human Rights on the workshop (A/HRC/14/38);

15. *Supports* the need to further promote the realization of the right of peoples to peace and in that regard requests the Advisory Committee, in consultation with Member States, civil society, academia and all relevant stakeholders, to prepare a draft declaration on the right of peoples to peace, and to report on the progress thereon to the Council at its seventeenth session;

16. *Decides* to continue considering the issue in 2011 under the same agenda item.

34th meeting
17 June 2010

[Adopted by a recorded vote of 31 to 14, with 1 abstention. The voting was as follows:

In favour: Angola, Argentina, Bahrain, Bangladesh, Bolivia (Plurinational State of), Brazil, Burkina Faso, Cameroon, Chile, China, Cuba, Djibouti, Egypt, Gabon, Ghana, Indonesia, Jordan, Madagascar, Mauritius, Mexico,Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Uruguay, Zambia;

Against: Belgium, Bosnia and Herzegovina, France, Hungary, Italy, Japan, Netherlands, Norway, Republic of Korea, Slovakia, Slovenia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America;

Abstaining: India.]

14/4. The effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action and other relevant international human rights instruments, *Reaffirming* all resolutions and decisions adopted by the Commission on Human

Rights on the effects of structural adjustment and economic reform policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights, including Commission resolutions 1998/24 of 17 April 1998, 1999/22 of 23 April 1999, 2000/82 of 26 April 2000, 2004/18 of 16 April 2004 and 2005/19 of 14 April 2005, as well as Council resolutions 7/4 of 27 March 2008 and 11/5 of 17 June 2009,

Reaffirming also its resolution S-10/1 of 23 February 2009 on the impact of the global economic and financial crises on the universal realization and effective enjoyment of human rights,

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

Stressing that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character,

Emphasizing that the World Conference on Human Rights agreed to call upon the international community to make all efforts to help to alleviate the external debt burden of developing countries in order to supplement the efforts of the Governments of such countries to attain the full realization of the economic, social and cultural rights of their people,

Stressing the determination expressed in the United Nations Millennium Declaration to deal comprehensively and effectively with the debt problems of low- and middle-income developing countries through various national and international measures designed to make their debt sustainable in the long term,

Noting with concern that the total external debt of low- and middle-income countries had risen to 2,983 billion United States dollars by 2006, from 1,951 billion dollars in 1995, and that, by 2007, the total debt service payments of developing countries had risen to 523 billion dollars, from 220 billion dollars in 1995,

Acknowledging that there is greater acceptance that the increasing debt burden faced by the most indebted developing countries, in particular the least developed countries, is unsustainable and constitutes one of the principal obstacles to achieving progress in people-centred sustainable development and poverty eradication and that, for many developing countries and countries with economies in transition, excessive debt servicing has severely constrained their capacity to promote social development and to provide basic services to realize economic, social and cultural rights, *Expressing its concern* that, despite repeated rescheduling of debt, developing countries continue to pay out more each year than the actual amount they receive in official development assistance,

Affirming that debt burden further complicates the numerous problems facing developing countries, contributes to extreme poverty and is an obstacle to sustainable human development, and is thus a serious impediment to the realization of all human rights,

1. *Welcomes* the report of the independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights (A/HRC/14/21 and Add.1);

2. *Recalls* the proposed elements for a conceptual framework for understanding the relationship between foreign debt and human rights, and encourages the independent expert to continue to develop them with a view to addressing the debt crisis in a just, equitable and sustainable manner;

3. *Welcomes* the areas of focus identified by the independent expert for the period 2009–2010, in particular the development of the draft general guidelines on foreign debt and human rights and the issue of illegitimate debt, and in that regard requests the Office of the United Nations High Commissioner for Human Rights to continue to assist the independent expert in the organization and holding of regional consultations on these issues, including through the allocation of sufficient budgetary resources;

4. *Also welcomes* the convening of regional consultations on the draft general guidelines on foreign debt and human rights, in June 2010 and March 2011, to obtain views on the form and content of the guidelines with a view to improving them, and encourages the widest possible participation of States and stakeholders from the public sector, the private sector, civil society and academia;

5. *Recalls* that every State has the primary responsibility to promote the economic, social and cultural development of its people and, to that end, has the right and responsibility to choose its means and goals of development and should not be subject to external specific prescriptions for economic policy;

6. *Recognizes* that structural-adjustment reform programmes limit public expenditure, impose fixed expenditure ceilings and give inadequate attention to the provision of social services, and that only a few countries manage to achieve sustainable higher growth under these programmes;

7. *Reaffirms* that the current global financial and economic crises should not result in a decrease in debt relief, nor should they be used as an excuse to stop debt relief measures, as that would have negative implications for the enjoyment of human rights in affected countries;

8. *Expresses its concern* that the level of implementation and the reduction of overall debt stock under the enhanced Heavily Indebted Poor Countries Initiative are still low, and that the Initiative is not intended to offer a comprehensive solution to the longterm debt burden;

9. *Reiterates* its conviction that, for heavily indebted poor countries to achieve debt sustainability, long-term growth and poverty reduction goals, the debt relief under the above-mentioned Initiative will not be sufficient and that additional resource transfers, in the form of grants and concessional loans and the removal of trade barriers and better prices for their exports, would be required to ensure sustainability and permanent exit from debt overhang;

10. *Regrets* the absence of mechanisms to find appropriate solutions to the unsustainable foreign debt burden of middle- and low-income heavily indebted countries, and that, to date, little headway has been made in redressing the unfairness of the current system of debt resolution, which continues to place the interests of the lenders above those of indebted countries and the poor in those countries, and therefore calls for an intensification of efforts to devise effective and equitable mechanisms to cancel or reduce substantially the foreign debt burden of all developing countries, in particular those severely affected by the devastation of natural disasters, such as tsunamis and hurricanes, and by armed conflicts;

11. *Affirms* that, from a human rights perspective, the settlement of excessive vulture funds has a direct negative effect on the capacity of Governments to fulfil their human rights obligations, especially with regard to economic, social and cultural rights;

12. *Also affirms* that the activities of vulture funds highlight some of the problems in the global financial system and are indicative of the unjust nature of the current system, and calls upon States to take measures to combat those vulture funds;

13. *Acknowledges* that, in least developed countries and in several low- and middle-income countries, unsustainable levels of external debt continue to create a considerable barrier to economic and social development and increase the risk that the Millennium Development Goals for development and poverty reduction will not be attained;

14. *Recognizes* that debt relief can play a key role in liberating resources that should be directed towards activities consistent with attaining sustainable growth and development, including poverty reduction and the achievement of the development goals, including those set out in the United Nations Millennium Declaration, and therefore that debt relief measures, where appropriate, should be pursued vigorously and expeditiously, ensuring that they do not replace alternative sources of financing and that they are accompanied by an increase in official development assistance;

15. *Recalls once again* the call on industrialized countries, as expressed in the Millennium Declaration, to implement the enhanced programme of debt relief for the heavily indebted poor countries without further delay and to agree to cancel all official bilateral debts of those countries in return for their making demonstrable commitments to poverty reduction;

16. *Urges* the international community, including the United Nations system, the Bretton Woods institutions and the private sector, to take appropriate measures and actions for the implementation of the pledges, commitments, agreements and decisions of the major United Nations conferences and summits, including the Millennium Summit, the World Conference on Human Rights, the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the World Conference on Sustainable Development and the International Conference on Financing for Development, in particular those relating to the question of the

external debt problem of developing countries, in particular of heavily indebted poor countries, least developed countries and countries with economies in transition;

17. *Recalls* the pledge contained in the Political Declaration annexed to General Assembly resolution S-24/2, adopted on 1 July 2000 by the Assembly, to find effective, equitable, development-oriented and durable solutions to the external debt and debt servicing burdens of developing countries;

18. *Stresses* the need for the economic reform programmes arising from foreign debt to be country-driven and for any negotiations and conclusion of debt relief and new loan agreements to be formulated with public knowledge and transparency, with legislative frameworks, institutional arrangements and mechanisms for consultation being established to ensure the effective participation of all components of society, including people's legislative bodies and human rights institutions, and particularly of the most vulnerable or disadvantaged, in the design, application and evaluation of strategies, policies and programmes, as well as in the follow-up to and systematic national supervision of their implementation, and for macroeconomic and financial policy issues to be integrated, on an equal footing and in a consistent way, in the realization of broader social development goals, taking into account the national context and the priorities and needs of the debtor countries to allocate resources in a way that ensures balanced development conducive to the overall realization of human rights;

19. *Also stresses* that the economic reform programmes arising from foreign debt should maximize the policy space of developing countries in pursuing their national development efforts, taking into account the views of relevant stakeholders in a way that ensures balanced development conducive to the overall realization of all human rights;

20. *Further stresses* that the economic programmes arising from foreign debt relief and cancellation must not reproduce past structural adjustment policies that have not worked, such as dogmatic demands for privatization and reduced public services;

21. *Calls upon* States, the International Monetary Fund and the World Bank to continue to cooperate closely to ensure that additional resources made available through the Heavily Indebted Poor Countries Initiative, the Global Fund to Fight AIDS, Tuberculosis and Malaria and other new initiatives are absorbed in the recipient countries without affecting ongoing programmes;

22. *Calls upon* creditors, particularly international financial institutions, and debtors alike to consider the preparation of human rights impact assessments with regard to development projects, loan agreements or Poverty Reduction Strategy Papers;

23. *Reaffirms* that the exercise of the basic rights of the people of debtor countries to food, housing, clothing, employment, education, health services and a healthy environment cannot be subordinated to the implementation of structural adjustment policies, growth programmes and economic reforms arising from the debt;

24. *Urges* States, international financial institutions and the private sector to take urgent measures to alleviate the debt problem of those developing countries particularly affected by HIV/AIDS, so that more financial resources can be released and used for health care, research and treatment of the population in the affected countries;

25. *Reiterates* its view that, in order to find a durable solution to the debt problem and for the consideration of any new debt resolution mechanism, there is a need for a broad political dialogue between creditor and debtor countries and the multilateral financial institutions, within the United Nations system, based on the principle of shared interests and responsibilities;

26. *Reiterates* its request to the United Nations High Commissioner for Human Rights to pay more attention to the problem of the debt burden of developing countries, in particular of least developed countries, and especially the social impact of the measures arising from foreign debt;

27. *Requests* the independent expert to continue to explore the interlinkages with trade and other issues, including HIV/AIDS, when examining the impact of structural adjustment and foreign debt, and also to contribute, as appropriate, to the process entrusted with the follow-up to the International Conference on Financing for Development, with a view to bringing to its attention the issue of the effects of structural adjustment and foreign debt on the enjoyment of human rights, particularly economic, social and cultural rights;

28. *Also requests* the independent expert to continue to seek the views and suggestions of States, international organizations, United Nations agencies, funds and programmes, regional economic commissions, international and regional financial institutions and non-governmental organizations on the draft general guidelines and his proposal of possible elements for consideration, and urges them to respond to his requests;

29. *Encourages* the independent expert to continue to cooperate, in accordance with his mandate, with the Committee on Economic, Social and Cultural Rights, special rapporteurs, independent experts and members of the expert working groups of the Council and its Advisory Committee on issues relating to economic, social and cultural rights and the right to development in his work towards the elaboration of the draft general guidelines;

30. *Requests* the independent expert to report to the General Assembly on the issue of the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights;

31. *Requests* the Secretary-General to provide the independent expert with all necessary assistance, in particular all the staff and resources required to carry out his functions;

32. *Urges* Governments, international organizations, international financial institutions, non-governmental organizations and the private sector to cooperate fully with the independent expert in the discharge of his mandate;

33. *Requests* the independent expert to submit an analytical report on the implementation of the present resolution to the Council in 2011 in accordance with its annual programme of work, and to submit a progress report thereon to the General Assembly at its sixty-fifth session;

34. *Decides* to continue the consideration of this matter at its seventeenth session under the same agenda item.

34th meeting
17 June 2010

[Adopted by a recorded vote of 31 to 13, with 3 abstentions. The voting was as follows:

In favour:	Angola, Argentina, Bahrain, Bangladesh, Bolivia (Plurinational State of), Brazil, Burkina Faso, Cameroon, China, Cuba, Djibouti, Egypt, Gabon, Ghana, India, Indonesia, Jordan, Kyrgyzstan, Madagascar, Mauritius, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Uruguay, Zambia;
Against:	Belgium, Bosnia and Herzegovina, France, Hungary, Italy, Japan, Netherlands, Republic of Korea, Slovakia, Slovenia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America;
Abstaining:	Chile, Mexico, Norway.]

14/5. The role of prevention in the promotion and protection of human rights

The Human Rights Council,

Reaffirming the obligation of States under the Charter of the United Nations to promote universal respect for and observance of human rights and fundamental freedoms,

Reaffirming also the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action, and recalling the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other human rights instruments, as well as the outcomes of major United Nations conferences and relevant resolutions adopted by the General Assembly and the Council,

Reaffirming further that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing, and that all human rights must be treated in a fair and equal manner, on the same footing and with the same emphasis,

Expressing concern about continued human rights violations around the world,

Recalling the role of the Council in the prevention of human rights violations through cooperation and dialogue, in accordance with General Assembly resolution 60/251 of 15 March 2006,

1. *Recognizes* that States have the primary responsibility for the promotion and protection of all human rights, including the prevention of human rights violations, and that this responsibility involves all branches of the State;

2. *Stresses* that States should promote supportive and enabling environments for the prevention of human rights violations;

3. *Welcomes* the role of national human rights institutions in contributing to the prevention of human rights violations, and encourages States to strengthen the mandate and capacity of national human rights institutions, where they exist, as necessary, to enable them to fulfil this role effectively in accordance with the Paris Principles;

4. *Acknowledges* that the Council shall, inter alia, contribute, through enhanced dialogue and cooperation, to the prevention of human rights violations and respond promptly to human rights emergencies;

5. *Stresses* the importance of effective preventive measures as part of overall strategies for the promotion and protection of all human rights;

6. *Requests* the Office of the United Nations High Commissioner for Human Rights to consult States, national human rights institutions, civil society and other relevant stakeholders, using a questionnaire format, on the conceptual and practical dimensions of prevention with regard to the promotion and protection of human rights, and to compile and publish the responses on the website of the Office;

7. *Also requests* the Office of the High Commissioner to convene a workshop, within existing resources, based on the above-mentioned consultations, on the role of prevention in the promotion and protection of human rights, with a view to contributing to further discussion on the issue, and to present a summary of the workshop proceedings to the Council at its eighteenth session;

8. *Decides* to continue consideration of the matter under the same agenda item in conformity with its annual programme of work.

34th meeting
17 June 2010

[Adopted without a vote]

14/6. Mandate of the Special Rapporteur on the human rights of internally displaced persons

The Human Rights Council,

Recalling all previous resolutions on internally displaced persons adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council, including Assembly resolution 64/162 of 18 December 2009 and Council resolution 6/32 of 14 December 2007,

Recalling also General Assembly resolution 46/182 of 19 December 1991 on the strengthening of the coordination of humanitarian emergency assistance of the United Nations and the Guiding Principles annexed thereto, *Recalling further* Council resolutions 5/1, on the institution-building of the United

Nations Human Rights Council, and 5/2, on the code of conduct for special procedures mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

Emphasizing that States have the primary responsibility to provide protection and assistance to internally displaced persons within their jurisdiction, as well as to address the root causes of the displacement problem in appropriate cooperation with the international community,

Welcoming the adoption, on 22 October 2009, of the African Union Convention on the Protection and Assistance of Internally Displaced Persons in Africa, which marks a significant step towards strengthening the national and regional normative framework for the protection of and assistance to internally displaced persons,

1. *Commends* the Representative of the Secretary-General on the human rights of internally displaced persons for the activities undertaken to date, the catalytic role that he has played in raising the level of awareness of the plight of internally displaced persons, and his ongoing efforts to address their development and other specific needs, including through the mainstreaming of the human rights of internally displaced persons into all relevant parts of the United Nations system;

2. *Takes note* of the report of the Representative of the Secretary-General on the human rights of internally displaced persons submitted to the Council at its thirteenth session (A/HRC/13/21);

3. *Expresses its appreciation* to the Representative of the Secretary-General for his work on offering practical solutions for the challenges of internal displacement, and encourages all relevant actors to consider making use of it, including when planning for and implementing programmes to support durable solutions;

4. *Also expresses its appreciation* to those Governments and intergovernmental and non-governmental organizations that have provided protection and assistance to internally displaced persons and have supported the work of the Representative of the Secretary-General;

5. *Expresses concern* at the persistent problems of large numbers of internally displaced persons worldwide, in particular the risk of extreme poverty and socio-economic exclusion, their limited access to humanitarian assistance, vulnerability to human rights violations and difficulties resulting from their specific situation, such as lack of food, medication or shelter, and issues pertinent during their reintegration, including, in appropriate cases, the need for the restitution of or compensation for property;

6. *Also expresses concern* at the problem of protracted internal displacement and recognizes the need to find durable solutions;

7. *Expresses particular concern* at the grave problems faced by many internally displaced women and children, including violence and abuse, sexual and labour exploitation, trafficking in persons, forced recruitment and abduction, and notes the need to continue to pay more systematic and in-depth attention to their special assistance, protection and development

needs, as well as those of other groups with special needs, such as older persons, persons with disabilities and severely traumatized individuals affected by internal displacement, taking into account the relevant resolutions of the General Assembly;

8. *Expresses concern* at internal displacement caused by natural disasters, exacerbated by the expected effects of climate change and by poverty, and recognizes the need for a human rights-based approach to early warning, disaster contingency planning, disaster management and mitigation, as well as efforts to find durable solutions;

9. *Recognizes* the Guiding Principles on Internal Displacement as an important international framework for the protection of internally displaced persons, and encourages Member States and humanitarian agencies to continue to work together in endeavours to provide a more predictable response to the needs of internally displaced persons and, in this regard, calls for international support, upon request, for the capacity-building efforts of States;

10. *Calls upon* States to provide durable solutions, and encourages strengthened international cooperation, including through the provision of resources and expertise to assist affected countries, and in particular developing countries, in their national efforts and policies related to assistance, protection and rehabilitation for internally displaced persons;

11. *Decides* to extend the mandate of the special procedure on the human rights of internally displaced persons as a special rapporteur for a period of three years:

(a) To address the complex problem of internal displacement, in particular by mainstreaming human rights of the internally displaced into all relevant parts of the United Nations system;

(b) To work towards strengthening the international response to the complex problem of situations of internal displacement and engage in coordinated international advocacy and action for improving protection and respect of the human rights of the internally displaced, while continuing and enhancing dialogue with Governments, nongovernmental organizations and other relevant actors;

12. *Requests* the Special Rapporteur on the human rights of internally displaced persons, in carrying out his or her mandate:

(a) To continue, through continuous dialogue with Governments and all intergovernmental and non-governmental organizations concerned, the analysis of the reasons for internal displacement, the needs and human rights of those displaced, measures of prevention and ways to strengthen protection, and assistance and durable solutions for internally displaced persons, taking into account specific situations and relevant information, including, in particular, national data and statistics, and to include information thereon in his or her reports submitted to the Council;

(b) To continue, through continuous dialogue with Governments and all intergovernmental and non-governmental organizations concerned, his or her efforts to promote comprehensive strategies and support that focus on the prevention of displacement, better protection and assistance and durable solutions for those displaced, taking into account the primary responsibility of States within their jurisdiction in this regard;

(c) To continue to use the Guiding Principles on Internal Displacement in his or her dialogue with Governments, intergovernmental and non-governmental organizations and other relevant actors, and to continue his or her efforts to further the dissemination, promotion and application of the Guiding Principles and to provide support for efforts to promote capacity-building and the use of the Guiding Principles, as well as the development of domestic legislation and policies;

(d) To integrate a gender perspective throughout the work of the mandate, and to give special consideration to the human rights of internally displaced women and children, as well as of other groups with special needs, such as older persons, persons with disabilities and severely traumatized individuals affected by internal displacement, and their particular assistance, protection and development needs;

(e) To continue his or her efforts to promote, where appropriate, the consideration of the human rights and the specific protection and assistance needs of internally displaced persons in peace processes, peace agreements and reintegration and rehabilitation processes;

(f) To continue to pay attention to the role of the international community in assisting affected States, upon request, in meeting the protection and assistance needs of internally displaced persons, including in implementing national strategies, and to incorporate in his or her advocacy activities an emphasis on the mobilization of adequate resources in response to the needs of affected countries;

(g) To continue, through continuous dialogue with Governments and the intergovernmental and non-governmental organizations concerned, his or her efforts to promote the protection of human rights of internally displaced persons in the context of natural disasters;

(h) To strengthen further the cooperation established between the Representative of the Secretary-General and the United Nations, including in the framework of the Peacebuilding Commission, as well as other international and regional organizations, in particular his or her participation in the work of the Inter-Agency Standing Committee and its subsidiary bodies;

13. *Strongly encourages* all Governments, in particular Governments of countries with situations of internal displacement, to facilitate United Nations activities addressing the protection, assistance and development needs of internally displaced persons, and to respond favourably to requests by the Special Rapporteur for visits and information, and urges Governments and the relevant bodies of the United Nations system, also at the country level, to follow up effectively, where appropriate, on recommendations of the mandate holder and to make available information on measures taken in this regard;

14. *Encourages* the United Nations, including its specialized agencies, regional intergovernmental organizations, mandate holders, interested institutions and independent experts, and non-governmental organizations to develop regular dialogue and cooperation with the Special Rapporteur in the fulfilment of his or her mandate;

15. *Encourages* all relevant United Nations organizations and humanitarian assistance, human rights and development organizations to enhance their collaboration and coordination, through the Inter-Agency Standing Committee and United Nations country teams in countries with situations of internal displacement, to provide all possible assistance and support to the

Special Rapporteur, and requests the continued participation of the Special Rapporteur in the work of the Inter-Agency Standing Committee and its subsidiary bodies;

16. *Requests* the Secretary-General and the Office of the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all the assistance and adequate staffing necessary to carry out his or her mandate effectively, and to ensure that the mechanism works in close cooperation with the Emergency Relief Coordinator, with the continued support of the Office for the Coordination of Humanitarian Affairs and the United Nations High Commissioner for Refugees;

17. *Invites* the Special Rapporteur to continue to submit annual reports on the implementation of his or her mandate to the Council and the General Assembly, making suggestions and recommendations regarding the human rights of internally displaced persons, including on the impact of measures taken at the inter-agency level;

18. *Decides* to continue its consideration of the question of the human rights of internally displaced persons in conformity with its annual programme of work.

34th meeting
17 June 2010

[Adopted without a vote.]

14/7. Proclamation of 24 March as the International Day for the Right to the Truth concerning Gross Human Rights Violations and for the Dignity of Victims

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and other relevant instruments of international human rights law and international humanitarian law, as well as the Vienna Declaration and Programme of Action,

Recognizing the universality, indivisibility, interdependence and interrelatedness of civil, political, economic, social and cultural rights,

Recalling articles 32 and 33 of Additional Protocol I to the Geneva Conventions of 12 August 1949 and article 24, paragraph 2, of the International Convention for the Protection of All Persons from Enforced Disappearance, adopted by the General Assembly in its resolution 61/177 of 20 December 2006,

Taking into account the right to the truth as defined in Commission on Human Rights resolution 2005/66 of 20 April 2005, and Council decision 2/105 of 27 November 2006 and resolutions 9/11 of 24 September 2008 and 12/12 of 1 October 2009 on the right to the truth, *Acknowledging* the reports of the Office of the United Nations High Commissioner for Human Rights and the significant conclusions therein related to the right to the truth (E/CN.4/2006/91, A/HRC/5/7 and A/HRC/12/19),

Recognizing the importance of promoting the memory of victims of gross and systematic human rights violations and the importance of the right to truth and justice,

Acknowledging, at the same time, the significance of paying tribute to those who have devoted their lives to, and lost their lives in, the struggle to promote and protect human rights for all,

Recognizing in particular the important and valuable work of Monsignor Oscar Arnulfo Romero, of El Salvador, who was actively engaged in the promotion and protection of human rights in his country, and whose work was acknowledged internationally through his messages, in which he denounced violations of the human rights of the most vulnerable populations,

Recognizing the values of Monsignor Romero and his dedication to the service of humanity, in the context of armed conflicts, as a humanist dedicated to defending human rights, protecting lives and promoting human dignity, his constant calls to dialogue and his opposition to all forms of violence to avoid armed confrontation, which consequently led to his death on 24 March 1980,

1. *Recommends* that the General Assembly proclaim 24 March the International Day for the Right to the Truth concerning Gross Human Rights Violations and for the Dignity of Victims;

2. *Invites* all Member States, organizations of the United Nations system and other international organizations, and civil society entities, including non-governmental organizations and individuals, to observe the International Day in an appropriate manner;

3. *Requests* the Secretary-General to bring the present resolution to the attention of all States Members of the United Nations.

34th meeting
17 June 2010

[Adopted without a vote.]

14/8. Regional cooperation for the promotion and protection of human rights in the Asia-Pacific region

The Human Rights Council,

Recalling resolution 1993/51 of 9 March 1993 of the Commission on Human Rights and its subsequent resolutions concerning regional arrangements for the promotion and protection of human rights, *Recalling also* Council decision 3/102 of 8 December 2006, as well as its resolutions 6/25 of 28 September 2007 and 12/15 of 1 October 2009,

Noting with appreciation the commitment of States in the Asia-Pacific region to developing and strengthening national capacities for the promotion and protection of human rights, in accordance with the Tehran Framework of Regional Technical Cooperation Programme for Asia and the Pacific,

Welcoming the efforts of the Office of the United Nations High Commissioner for Human Rights to develop partnerships for the implementation of its activities to enhance national capacities of States in the region to promote and protect human rights,

Welcoming the Bali Action Points concluded at the fourteenth Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asia- Pacific Region, held from 10 to 12 July 2007, which served as a basis to reflect on the progress and achievements made under the Asia-Pacific Framework, including the four Tehran pillars, and to define further priorities for regional cooperation for the promotion and protection of human rights,

Reaffirming the fact that regional arrangements play an important role in promoting and protecting human rights and should reinforce universal human rights, as recognized in international human rights instruments,

Welcoming the establishment of the Association of Southeast Asian Nations

Intergovernmental Commission on Human Rights, and encouraging it to play an active role in the promotion and protection of human rights in the South-East Asian region,

Welcoming also the convening of the fifteenth annual workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asia-Pacific region, held in Bangkok from 21 to 23 April 2010, and the adoption of the Bangkok Action Points,

1. *Requests* the United Nations High Commissioner for Human Rights to prepare a report containing the conclusions of the fifteenth annual Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asia-Pacific region, and to submit it to the Council for its consideration at its fifteenth session;

2. *Decides* to convene the next session of the Workshop in Maldives in 2012.

34th meeting
17 June 2010

[Adopted without a vote.]

14/9. Promotion of the enjoyment of the cultural rights of everyone and respect for cultural diversity

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, *Recalling* the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Vienna Declaration and Programme of Action and all other relevant human rights instruments,

Recalling also all relevant resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council, including Assembly resolutions 64/81 of 7 December 2009 and 64/174 of 18 December 2009, and Council resolution 10/23 of 26 March 2009, by which it established, for a period of three years, a special procedure entitled "independent expert in the field of cultural rights",

Taking note of the declarations within the United Nations system on cultural diversity and international cultural cooperation, in particular the Declaration of the Principles of International Cultural Cooperation and the Universal Declaration on Cultural Diversity adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 4 November 1966 and 2 November 2001 respectively,

Taking note with appreciation of general comment No. 21 on the right of everyone to take part in cultural life, adopted by the Committee on Economic, Social and Cultural Rights on 13 November 2009,

Noting with appreciation the increasing number of parties to the Convention on the Protection and Promotion of the Diversity of Cultural Expressions adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 20 October 2005, which entered into force on 18 March 2007,

Welcoming the holding of the seminar on the theme "Implementing cultural rights: nature, issues at stake and challenges" in Geneva on 1 and 2 February 2010,

Convinced that international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all should be based on an understanding of the economic, social and cultural specificities of each country, the full realization and recognition of the universality of all human rights and the principles of freedom, justice, equality and non-discrimination,

Recognizing that cultural diversity and the pursuit of cultural development by all peoples and nations are a source of mutual enrichment for the cultural life of humankind,

Determined to treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis,

1. *Reaffirms* that cultural rights are an integral part of human rights, which are universal, indivisible, interrelated and interdependent;

2. *Recognizes* the right of everyone to take part in cultural life and to enjoy the benefits of scientific progress and its applications;

3. *Reaffirms* that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of the

States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms;

4. *Recalls* that, as expressed in the Universal Declaration on Cultural Diversity no one may invoke cultural diversity to infringe upon human rights guaranteed by international law, nor to limit their scope;

5. *Reaffirms* that States have the responsibility to promote and protect cultural rights and that these rights should be guaranteed for all without discrimination;

6. *Recognizes* that respect for cultural diversity and the cultural rights of all enhances cultural pluralism, contributing to a wider exchange of knowledge and understanding of cultural heritage and cultural background, advancing the application and enjoyment of human rights throughout the world and fostering stable, friendly relations among peoples and nations worldwide;

7. *Also recognizes* that respect for cultural rights is essential for development, peace and the eradication of poverty, building social cohesion, and for the promotion of mutual respect, tolerance and understanding between individuals and groups, in all their diversity;

8. *Emphasizes* that the universal promotion and protection of human rights, including cultural rights, and respect for cultural diversity should reinforce each other;

9. *Takes note with appreciation* +of the first report of the independent expert in the field of cultural rights (A/HRC/14/36), including the identification of areas of concern and priority;

10. *Reiterates its call upon* all Governments to cooperate with and assist the independent expert in the discharge of her mandate, to provide her with all the necessary information requested by her and to give serious consideration to responding favourably to her requests to visit their countries in order to enable her to fulfil her duties effectively;

11. *Requests* the United Nations High Commissioner for Human Rights to provide all the necessary human and financial resources for the effective fulfilment of the mandate by the independent expert;

12. *Requests* the independent expert to present her next report to the Council at its seventeenth session, and decides to consider the report under the same agenda item in accordance with its programme of work;

35th meeting
18 June 2010

[Adopted without a vote.]

14/10. Enforced or involuntary disappearances

The Human Rights Council,

Reaffirming the relevant articles of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, which protect the right to life, liberty and security of person, the right not to be subjected to torture and the right to recognition as a person before the law,

Recalling Commission on Human Rights resolution 20 (XXXVI) of 29 February 1980, in which the Commission established a working group to examine questions relevant to enforced or involuntary disappearances,

Recalling also all previous resolutions on enforced or involuntary disappearances of the Council, the Commission on Human Rights and the General Assembly, the most recent being Council resolution 10/10 of 26 March 2009 and Assembly resolution 64/167 of 18 December 2009,

Recalling further General Assembly resolution 47/133 of 18 December 1992, in which the Assembly adopted the Declaration on the Protection of All Persons from Enforced Disappearance,

Acknowledging the adoption of the International Convention for the Protection of All Persons from Enforced Disappearance by the General Assembly in its resolution 61/177 of 20 December 2006, and recognizing that the entry into force of the Convention as soon as possible through its ratification by twenty States, and its implementation, will be a significant contribution to ending impunity and to the promotion and protection of all human rights for all,

Recalling Council resolutions 5/1 on institution-building of the United Nations Human Rights Council and 5/2 on the code of conduct for special procedures mandate holders of the Council, of 18 June 2007, stressing that all mandate holders shall discharge their duties in accordance with these resolutions and the annexes thereto, and urging all States to cooperate with and assist the special procedures in the performance of their tasks,

Deeply concerned by the high number of cases of enforced or involuntary disappearance around the world, including arrest, detention and abduction, when these are part of or amount to enforced disappearances, and by the growing number of reports concerning harassment, ill-treatment and intimidation of witnesses of disappearances or relatives of persons who have disappeared,

Recalling the importance of the right of victims to the truth as defined in Council resolution 12/12 of 1 October 2009,

Recalling also that no one shall be held in secret detention,

Recognizing that enforced disappearance has special consequences for vulnerable groups, especially women and children, as they most often bear the serious economic hardships which usually accompany a disappearance and, when they are subjected to disappearance themselves, they may become particularly vulnerable to sexual and other forms of violence, *Acknowledging* that acts of enforced disappearance may amount to crimes against humanity as defined in the Rome Statute of the International Criminal Court,

Recalling the Set of Principles for the protection and promotion of human rights through action to combat impunity (E/CN.4/Sub.2/1997/20/Rev.1, annex II), and taking note with appreciation of the updated version of those principles (E/CN.4/2005/102/Add.1),

Commemorating the thirtieth anniversary of the establishment of the Working Group on Enforced or Involuntary Disappearances, and taking this opportunity to raise awareness about enforced disappearance and to call for the prevention and eradication of this crime,

1. *Takes note* of the most recent report submitted by the Working Group on Enforced or Involuntary Disappearances (A/HRC/13/31 and Corr.1) and of the comments and recommendations contained therein;

2. *Calls upon* the Governments that have not provided substantive replies concerning allegations of enforced disappearances in their countries to do so and to give due consideration to relevant recommendations concerning this subject made by the Working Group in its reports;

3. *Calls upon* Governments to offer support to all victims of enforced disappearances, especially women and children affected by this crime;

4. *Also calls upon* Governments to prevent the occurrence of enforced disappearances, including by ensuring that secret places of detention and interrogation are abolished;

5. *Urges* Governments to continue their efforts to elucidate the fate of disappeared persons and to ensure that competent authorities in charge of investigation and prosecution are provided with adequate means and resources to resolve cases and bring perpetrators to justice, including after considering the establishment, where appropriate, of specific judicial mechanisms or truth and reconciliation commissions that complement the justice system;

6. *Invites* the Working Group to provide the concerned State with relevant information, that is as detailed as possible, concerning allegations of enforced disappearances in order to facilitate a prompt and substantive response to these communications, without prejudice to the need for the concerned State to cooperate with the Working Group;

7. *Requests* the Secretary-General to ensure that the Working Group receives all the assistance and resources it requires to perform its mandate;

8. *Welcomes* the fact that eighty-three States have signed the International Convention for the Protection of All Persons from Enforced Disappearance and eighteen States have ratified or acceded to it, and calls upon States that have not yet done so to consider signing and ratifying the Convention as a matter of priority, as well as to consider the option provided for in articles 31 and 32 of the Convention regarding the Committee on Enforced Disappearances, with a view to its entry into force by September 2010;

9. *Invites* States to consider joining all efforts to share information on best practices and to work towards the early entry into force of the Convention with the aim of its universality;

10. *Requests* the Office of the United Nations High Commissioner for Human Rights to organize, within existing resources, a one-day event to commemorate the thirtieth anniversary of the Working Group;

11. *Encourages* the General Assembly to proclaim 30 August the International Day of the Victims of Enforced Disappearances;

12. *Requests* the Working Group to prepare a report for submission to the Human Rights Council at its sixteenth session on best practices on enforced disappearances in domestic criminal legislation based on inputs solicited from member States;

13. *Also requests* the Working Group to pay particular attention to the situation of women victims of enforced or involuntary disappearances through its activities;

14. *Decides* to continue consideration of the matter in conformity with its programme of work.

35th meeting
18 June 2010

[Adopted without a vote.]

14/11. Freedom of religion or belief: mandate of the Special Rapporteur on freedom of religion or belief

The Human Rights Council,

Recalling General Assembly resolution 36/55 of 25 November 1981, in which the Assembly proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Recalling also article 18 of the International Covenant on Civil and Political Rights, article 18 of the Universal Declaration of Human Rights, article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights and other relevant human rights provisions,

Recalling further its resolution 6/37 of 14 December 2007 and other resolutions on the elimination of all forms of intolerance and of discrimination based on religion or belief adopted by the General Assembly and the Commission on Human Rights,

Recalling its resolutions 5/1 on the institution-building of the Council and 5/2 on the code of conduct for special procedures mandate holders of the Human Rights Council, of 18 June 2007, and stressing that the mandate-holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

1. *Condemns* all forms of intolerance and discrimination based on religion or belief, as well as violations of the freedom of thought, conscience, religion or belief;

2. *Stresses* that everyone has the right to freedom of thought, conscience and religion or belief, which includes the freedom to have or to adopt a religion or belief of one's choice and the freedom, either alone or in community with others and in public or private, to manifest one's religion or belief in teaching, practice, worship and observance;

3. *Condemns* any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, whether it involves the use of print, audio-visual or electronic media or any other means;

4. *Emphasizes* that restrictions on the freedom to manifest one's religion or belief are permitted only if limitations are prescribed by law, are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others, are non-discriminatory and are applied in a manner that does not vitiate the right to freedom of thought, conscience and religion;

5. *Calls upon* States to adopt measures and policies to promote respect for places of worship and religious sites;

6. *Expresses concern* at the continued existence of instances of religious intolerance, as well as at emerging obstacles to the enjoyment of the right to freedom of religion or belief, inter alia:

(a) Instances of intolerance and violence directed against members of many religious minorities and other communities in various parts of the world;

(b) Incidents of religious hatred, discrimination, intolerance and violence, which may be manifested by the derogatory stereotyping, negative profiling and stigmatization of persons based on their religion or belief;

(c) Attacks on religious places, sites and shrines in violation of international law, in particular human rights and humanitarian law, as they have more than material significance on the dignity and lives of members of communities holding spiritual or religious beliefs;

(d) Instances, both in law and practice, that constitute violations of the fundamental right to freedom of religion or belief, including of the individual right to publicly express one's spiritual and religious beliefs, taking into account the relevant articles of the International Covenant on Civil and Political Rights, as well as other international instruments;

(e) Constitutional and legislative systems that fail to provide adequate and effective guarantees of freedom of thought, conscience, religion and belief to all without distinction;

7. *Welcomes* the report presented by the Special Rapporteur on freedom of religion or belief (A/HRC/13/40);

8. *Also welcomes* the work of the Special Rapporteur, and concludes that there is a need for the continued contribution of the Special Rapporteur to the protection, promotion and universal implementation of the right to freedom of religion or belief;

9. *Decides* to extend the mandate of the Special Rapporteur for a further period of three years;

10. *Invites* the Special Rapporteur to take into account the content of all previous resolutions on freedom of religion or belief, in particular the concerns expressed in the present resolution, while discharging her or his mandate in accordance with paragraph 18 of Council resolution 6/37 and when reporting to the Council;

11. *Calls upon* the Special Rapporteur to work with mass-media organizations to promote an atmosphere of respect and tolerance for religious and cultural diversity, as well as multiculturalism;

12. *Requests* the Secretary-General to ensure that the Special Rapporteur receives the necessary resources to enable her or him to discharge her or his mandate fully;

13. *Urges* all Governments to cooperate fully with the Special Rapporteur and to respond favourably to her or his requests to visit their countries and to provide her or him with all necessary information to enable her or him to fulfil her or his mandate even more effectively;

14. *Requests* the Special Rapporteur to submit her or his reports to the Council in accordance with its annual programme of work, and the next annual report in 2011;

15. *Decides* to remain seized of this question under the same agenda item and to continue consideration of measures to implement the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

36th meeting
18 June 2010

[Adopted without a vote.]

14/12. Accelerating efforts to eliminate all forms of violence against women: ensuring due diligence in prevention

The Human Rights Council,

Reaffirming and building upon its resolution 11/2 of 17 June 2009,

Reaffirming its resolution 7/24 of 28 March 2008 and all resolutions of the Commission on Human Rights on the elimination of violence against women, and recalling General Assembly resolution 64/137 of 18 December 2009 on the intensification of efforts to eliminate all forms of violence against women, and all other resolutions of the Assembly and the Commission on the Status of Women relevant to the elimination of all forms of violence against women, and Security Council resolutions 1325 (2000) of 31 October 2000 and 1820 (2008) of 19 June 2008,

Reaffirming also the Vienna Declaration and Programme of Action, the Declaration on the Elimination of Violence against Women, the Beijing Declaration and Platform for Action, the Cairo Programme of Action, the outcome of the twenty-third special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century", and the declarations adopted at the forty-ninth and fifty-fourth sessions of the Commission on the Status of Women, *Underscoring* the fact that the duty of States to exercise due diligence to prevent violence against women and girls includes using all appropriate means of a legal, political, administrative and social nature that promote the protection of human rights and ensuring that acts of violence are considered and treated as illegal acts for which adequate, effective, prompt and appropriate punishment and remedies are available,

Recognizing that power imbalances and structural inequality between men and women are among the root causes of violence against women, and that effective prevention of violence against women and girls requires action at all levels of government, the engagement of civil society, the involvement of men and boys and the adoption and implementation of multifaceted and comprehensive approaches that promote gender equality and empowerment of women, and integrate awareness, education, training, political will, legislation, accountability, targeted policies and programmes, specific measures to reduce vulnerability, data collection and analysis, monitoring and evaluation, and protection, support and redress for victims,

Recognizing also that violence against women is one of the factors impeding progress towards meeting the Millennium Development Goals,

Recognizing further the importance of the full participation of women in the development of effective policies and programmes relating to the prevention of violence against women,

Acknowledging that confronting and changing the harmful attitudes, customs, practices and gender stereotypes that underlie and perpetuate violence against women are fundamental to ensuring effective prevention,

Stressing that the realization of all human rights by women and girls, such as those regarding education, access to health, economic participation, access to the labour market, conditions of work, disparities in salaries and compensation, public and political participation, access to decision-making processes, inheritance, financial services, including loans, nationality and legal capacity, ownership of land, property, housing, social security and cultural life, supported by appropriate responses dealing with legal literacy, skills training and access to productive resources, is a key factor in preventing violence against women and girls, and that, in many instances, the different treatment of women before the law has resulted in the lack of equal opportunities for them in these areas,

Deeply concerned that all forms of discrimination, including racism, racial discrimination, xenophobia and related intolerance and multiple or aggravated forms of discrimination and disadvantage, can lead to the targeting or vulnerability to violence of some women and girls, including women belonging to minority groups, indigenous women, refugee and internally displaced women, stateless women, migrant women, women living in rural or remote communities, women living in slums and informal settlements, women living in conditions of poverty, women in institutions or in detention, women with disabilities, elderly women, widows and women in all situations of armed conflict, women who face trafficking, sexual or labour exploitation, and women who are otherwise discriminated against, including on the basis of their HIV/AIDS status,

Concerned that the threat or risk of being exposed to violence may constitute a barrier to women and girls realizing their right to education, *Alarmed* that, in situations of armed conflict, women are particularly exposed to various forms of violence, including sexual violence, and recognizing the need to intensify efforts to prevent such violence in accordance with international humanitarian law and human rights law,

1. *Stresses* that States have the obligation to promote and protect all human rights and fundamental freedoms of women and girls, and must exercise due diligence to prevent, investigate, prosecute and punish the perpetrators of violence against women and girls and provide protection to the victims, and that failure to do so violates and impairs or nullifies the enjoyment of their human rights and fundamental freedoms;

2. *Calls upon* States to enact and, where necessary, reinforce or amend domestic legislation and take measures to enhance the protection of victims, to investigate, prosecute, punish and redress, including by ensuring access to adequate, effective, prompt and appropriate remedies, the wrongs done to women and girls subjected to any form of violence, whether in the home, the workplace, the community or society, in custody or in situations of armed conflict, to ensure that such legislation conforms with relevant international human rights instruments and international humanitarian law, to abolish existing laws, regulations, customs and practices that constitute discrimination against women, and to remove gender bias in the administration of justice;

3. *Also calls upon* States to place a high priority on strengthening and implementing legal and policy measures that promote the full enjoyment by women and girls of all human rights, particularly those aimed at eliminating discrimination against women, promoting gender equality, empowering women and promoting their autonomy, including with regard to land, property, marriage and divorce, child custody and inheritance, and to promote equal access to literacy, education, skills training and employment opportunities, land, credit, agricultural extension, adequate housing, just and favourable conditions of work, and business and leadership skills training;

4. *Further calls upon* States to take all measures to empower women and strengthen their economic independence, including through their full participation in the development and implementation of socio-economic policies and poverty eradication strategies, and through recognition of the value of the unremunerated work by women to better protect themselves against violence and, in this regard, to give priority to and to promote their access, without discrimination, to education, training, economic opportunity and economic advancement;

5. *Urges* States to adopt and implement policies and programmes that enable women to avoid and escape situations of violence and prevent its recurrence, and that provide, inter alia, financial support and affordable access to safe housing or shelters, childcare and other social supports, legal assistance, skills training and productive resources, and to make these services accessible to women and girls with disabilities;

6 *Also urges* States to promote, at all levels, environments and communities that are safe for women and girls, and to support the efforts of civil society and other stakeholders towards this end, including by taking measures designed to enhance personal security and reduce the risk of violence in the community, in the home and in the workplace, in particular those that eliminate barriers to safe access to schools and other educational settings, drinking water sources and sanitation facilities, workplaces and livelihoods, and participation in the life of the community;

7. *Further urges* States to publicly condemn violence against women and provide visible and sustained leadership at the highest levels to prevent all forms of violence against women and girls, and, in particular, in efforts to confront the attitudes, customs, practices and gender stereotypes that lie at the core of discriminatory and harmful acts and practices that are violent towards women, such as female genital mutilation, forced and early marriage, femicide, crimes committed in the name of honour and crimes committed in the name of passion;

8. *Calls upon* States to support initiatives undertaken by women's groups, international and non-governmental organizations, the private sector, media, faith and community groups and other relevant civil society actors aimed at promoting gender equality and the full enjoyment of all human rights by women and girls, and raising awareness of and preventing violence against women and girls;

9. *Urges* States to devote the resources necessary to ensure effective and ongoing outreach, awareness-raising, education, training and engagement with relevant stakeholders who have an important role in the prevention and early response to warning signs of violence against women and girls, including government officials, community and religious leaders, and health, education, justice and law enforcement personnel, including prison personnel;

10. *Encourages* States to integrate gender analysis into policymaking to better understand the potential impact of policies on women and their contribution to eliminating violence against women and girls;

11. *Urges* Governments to identify and address the effects of all forms of discrimination that combine to heighten the vulnerability of women and girls to violence and include targeted, compounded and structural discrimination;

12. *Urges* States to enhance efforts to involve men and boys in initiatives to prevent violence against women and in highlighting the unacceptability of violence against women;

13. *Stresses* that women should be empowered to protect themselves against violence and, in this regard, that women have the right to have control over and decide freely and responsibly on matters relating to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence, and urges States to take legislative and policy steps in this regard;

14. *Urges* States to strengthen initiatives that would increase the capacity of women and adolescent girls to protect themselves from HIV infection, including by providing HIV and AIDS prevention, treatment, care and support services, to ensure protection from and prevention of stigma and discrimination, and to cooperate with United Nations bodies, programmes and specialized agencies and international and non-governmental organizations in this regard;

15. *Also urges States* to take appropriate legislative and policy steps to investigate, prosecute and punish the perpetrators of all forms of rape;

16. *Urges* States and the United Nations system to give attention to and encourages greater international cooperation in systematic research and the collection, analysis and dissemination of data, including data disaggregated by sex, age, disability and other relevant information on the extent, nature and consequences of violence against women and girls, as well

as on the impact and effectiveness of policies and programmes aimed at combating this violence and, in this context, also urges States and the United Nations system to regularly provide information for inclusion in the Secretary-General's database on violence against women;

17. *Encourages* States to implement Security Council resolutions 1325 (2000) and 1820 (2008);

18. *Also encourages* States to create gender-sensitized training and education programmes and other appropriate measures for their armed forces, civilian police, peacekeeping units and humanitarian personnel that include instructions on their responsibilities towards the civilian population, particularly women and children, as well as mechanisms to ensure adequate safeguards to prevent violence against women and full accountability in cases of misconduct involving their personnel;

19. *Urges* States to establish or strengthen plans of action to eliminate violence against women and girls that clearly delineate government accountabilities for prevention and are supported by the necessary human, financial and technical resources, including, where appropriate, time-bound measurable targets, to promote the protection of women against any form of violence, and accelerate the implementation of existing plans of action that are regularly monitored and updated by Governments, taking into account inputs by civil society, in particular women's organizations, networks and other stakeholders;

20. *Notes with appreciation* the work of the Special Rapporteur on violence against women, its causes and consequences, and takes note of her recent report on reparations for women subjected to violence;

21. *Decides* to include in the annual full-day discussion on women's human rights, at its seventeenth session, in consultation with the Special Rapporteur on violence against women, its causes and consequences, the theme of violence against women and girls, with an emphasis on prevention, with a view to sharing good practices and identifying remaining gaps in the area of prevention, and requests the Office of the United Nations High Commissioner for Human Rights to prepare and disseminate a summary of the proceedings;

22. *Requests* the Office of the High Commissioner to prepare a compilation of good practices in efforts aimed at preventing violence against women, in consultation with the Special Rapporteur, States, civil society and other relevant stakeholders, and to present a report thereon during the annual full-day discussion on women's human rights at its seventeenth session;

23. *Looks forward* to the contribution that the new composite United Nations entity for gender equality and the empowerment of women can make to the prevention and elimination of violence against women;

24. *Decides* to continue consideration of the issue of the elimination of all forms of violence against women, its causes and consequences, as a matter of high priority, in conformity with its annual programme of work.

36th meeting
18 June 2010

[Adopted without a vote.]

14/13. Question of the realization in all countries of economic, social and cultural rights: follow-up to Human Rights Council resolution 4/1

The Human Rights Council,

Guided by the principles relating to economic, social and cultural rights enshrined in, inter alia, the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights,

Mindful of recent significant developments and remaining challenges in the promotion and protection of economic, social and cultural rights at the national, regional and international levels,

Reaffirming its resolutions 4/1 of 23 March 2007 and 10/1 of 25 March 2009 on the question of the realization in all countries of economic, social and cultural rights, and recalling the resolutions adopted by the Commission on Human Rights on the same topic,

Noting with interest the adoption by the General Assembly on 10 December 2008 of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and the fact that thirty-two States have signed the Optional Protocol since it was opened for signature on 24 September 2009,

Recognizing that the early entry into force of the Optional Protocol through its ratification by ten States, will be an important tool to help to strengthen the promotion and protection of economic, social and cultural rights worldwide,

1. *Calls upon* all States to take all measures to implement Council resolution 4/1 with a view to improving the realization of economic, social and cultural rights;

2. *Encourages* all States that have not yet done so to consider signing and ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights with a view to its early entry into force;

3. *Notes* the recent creation of two new mandates related to economic, social and cultural rights, namely the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation and the independent expert in the field of cultural rights;

4. *Notes with interest* the work carried out by the Committee on Economic, Social and Cultural Rights to assist States parties in fulfilling their obligations under the Covenant;

5. *Underlines* the human rights principles of, inter alia, non-discrimination, human dignity, equity, equality, universality and participation, as affirmed in international human rights law and in the Vienna Declaration and Programme of Action, and emphasizes that the rights enunciated in the Covenant are to be realized in a non-discriminatory manner;

6. *Notes with interest* the work of other relevant treaty bodies and special procedures in the promotion and protection of economic, social and cultural rights within their respective mandates;

7. *Notes* the intention of the Office of the United Nations High Commissioner for Human Rights to further strengthen its work in the field of economic, social and cultural rights at the country, regional and international levels;

8. *Encourages* the Office of the High Commissioner, the treaty bodies, special procedures of the Council and other relevant United Nations bodies and mechanisms, specialized agencies or programmes, within their respective mandates, to continue their efforts to promote the realization of economic, social and cultural rights worldwide and to enhance their cooperation in this regard;

9. *Takes note* of the report of the High Commissioner on the question of the realization in all countries of economic, social and cultural rights submitted to the Council pursuant to resolution 10/1;

10. *Requests* the High Commissioner to continue to prepare and submit to the Council an annual report on the question of the realization in all countries of economic, social and cultural rights under agenda item 3;

11. *Decides* to remain seized of the matter.

36th meeting
18 June 2010

[Adopted without a vote.]

14/14. Technical assistance and cooperation on human rights for Kyrgyzstan

The Human Rights Council,

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights and other applicable human rights instruments,

Recalling General Assembly resolution 60/251 of 15 March 2006,

Recalling also Council resolution 5/1 of 18 June 2007,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable instruments to which they are parties,

Reaffirming also that Governments have the primary responsibility to protect their citizens,

Bearing in mind the change of government that took place in Kyrgyzstan on 7 April 2010,

Deeply concerned at the loss of life that occurred on 7 April 2010 during the protests leading to the change of government,

Deeply concerned also at the recent inter-ethnic violence and at the loss of life sustained as a result, *Considering* the importance of the promotion and protection of the rights of persons belonging to minorities and the contribution of that promotion and protection to the political and social stability of the States in which such persons live,

1. *Strongly condemns* the human rights violations committed during the protests surrounding the change of government, and also condemns the provocations and violence in Osh and Jalalabad;

2. *Calls upon* the Government of Kyrgyzstan to conduct a full and transparent investigation that holds perpetrators accountable for the loss of life in relation to the events of 7 April 2010 and during the recent inter-ethnic violence;

3. *Urges* the Government of Kyrgyzstan to promote and protect all human rights and fundamental freedoms and to promote respect for democracy and the rule of law;

4. *Also urges* the Government of Kyrgyzstan to promote inter-ethnic reconciliation, and calls upon all actors to refrain from violence;

5. *Notes with appreciation* the participation of Kyrgyzstan in the universal periodic review process in May 2010, and welcomes its commitment to implement recommendations accepted at the review;

6. *Expresses its support and encouragement* for efforts made to restore democratic and constitutional order and the rule of law in Kyrgyzstan;

7. *Calls upon* the Government of Kyrgyzstan to uphold its commitment to the human rights principles enshrined in the Universal Declaration of Human Rights and to all its international human rights obligations;

8. *Encourages* the Government of Kyrgyzstan to continue to engage in a genuine process of open dialogue and national reconciliation to enhance peace for the people of Kyrgyzstan;

9. *Requests* the international community to provide the necessary humanitarian relief and assistance to Kyrgyzstan;

10. *Requests* the United Nations High Commissioner for Human Rights to continue to provide technical assistance through her office in Bishkek and to work with the Government of Kyrgyzstan and other actors, as needed, to identify additional areas of assistance that will aid Kyrgyzstan in its ability to fulfil its human rights obligations, to brief the Council on progress and to submit a report thereon to the Council for consideration at its seventeenth session.

36th meeting
18 June 2010

[Adopted without a vote.]

14/15. Addressing attacks on school children in Afghanistan

The Human Rights Council,

Appalled by attacks targeting innocent school children, particularly girls, in Afghanistan,

Reaffirming that, under the Charter of the United Nations, the Universal Declaration of Human Rights, the international covenants on human rights and other applicable instruments to which they are party, all States are to promote and protect human rights and fundamental freedoms,

Reaffirming also that, as enshrined in the Universal Declaration of Human Rights, everyone has the right to education,

Recalling that States parties to the Convention on the Rights of the Child have obligations relating to the right of the child to education, and that States parties to the Convention on the Elimination of All Forms of Discrimination against Women have obligations relating to the right of girls to equal treatment in education,

Reaffirming that Governments have the primary responsibility to protect their citizens,

Noting with sadness and deep concern those who have been threatened or intimidated into not attending school and harmed while attending school,

Aware of the focus on women's human rights in the report of the United Nations High Commissioner for Human Rights on the situation of human rights in Afghanistan (A/HRC/13/62),

Welcoming the statements from the Government of Afghanistan and other Governments condemning such attacks and pledging action to combat them,

1. *Deplores and condemns* attacks targeting innocent school children in Afghanistan;

2. *Expresses* solidarity with the Government of Afghanistan in its efforts to protect all students from such heinous attacks, and encourages further vigilance;

3. *Urges* all parties in Afghanistan to take appropriate measures to protect children and uphold their rights;

4. *Encourages* Governments and relevant United Nations and international agencies to respond positively to the requests made by Afghanistan for assistance to support its efforts to prevent and address such attacks;

5. *Requests* the United Nations High Commissioner for Human Rights, in her reports on Afghanistan to the Council, to increase the focus on the situation of girl school children.

36th meeting
18 June 2010

[Adopted without a vote.]

14/16. From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance

The Human Rights Council,

Recalling General Assembly resolution 56/266 of 27 March 2002, in which the Assembly endorsed the Durban Declaration and Programme of Action, and Commission on Human Rights resolutions 2002/68 of 25 April 2002 and 2003/30 of 23 April 2003,

Recalling also General Assembly resolution 57/195 of 18 December 2002, in which the Assembly assigned responsibilities to the relevant United Nations institutions to ensure the effective implementation of the Durban Declaration and Programme of Action at the international level,

Recalling further Council resolution 9/14 of 24 September 2008,

Welcoming General Assembly resolution 64/169 of 18 December 2009, in which the Assembly proclaimed 2011 the International Year for People of African Descent,

Noting General Assembly resolution 64/148 of 18 December 2009, in which the Assembly noted the approaching commemoration of the tenth anniversary of the adoption of the Durban Declaration and Programme of Action, and decided to call for a one-day plenary event to commemorate the tenth anniversary during its high-level segment,

Underlining the fact that the tenth anniversary of the adoption of the Durban Declaration and Programme of Action represents an important opportunity for the international community to reaffirm its commitment to the eradication of racism, racial discrimination, xenophobia and related intolerance, and encouraging States and communities to commemorate the tenth anniversary in all regions through a wide range of activities,

Stressing the imperative need of the Working Group of Experts on People of African Descent to accomplish its mandate,

Noting with appreciation the efforts made by the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action in its work aimed at the effective implementation of the Durban Declaration and Programme of Action, including by increasing efforts to complement the work of other Durban follow-up mechanisms with a view to achieving better coordination and synergy with other human rights mechanisms, thereby avoiding the duplication of initiatives,

Noting with appreciation the efforts made by the Intergovernmental Working Group in its work for the effective implementation of the Durban Declaration and Programme of Action, and acknowledging the need to, inter alia, consider the necessary measures to enhance the effectiveness of the follow-up mechanisms to the Durban Declaration and Programme of Action with a view to achieving better synergy and complementarity in the work of these mechanisms, thereby avoiding the duplication of initiatives, in line with paragraph 124 of the outcome document of the Durban Review Conference,

1. *Takes note with appreciation* of the report of the Working Group of Experts on People of African Descent (A/HRC/14/18), including the recommendations annexed thereto, in

particular the recommendation relating to the theme "People of African descent: recognition, justice and development", in the context of the International Year for People of African Descent proclaimed by the General Assembly for 2011;

2. *Decides* to convene a panel discussion during its high-level segment of its sixteenth session focusing on the full enjoyment of the human rights of people of African descent, to mark the International Year for People of African Descent;

3. *Also decides* that the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action should convene its eighth session from 11 to 22 October 2010;

4. *Further decides* to dedicate two working days of the eighth session of the Intergovernmental Working Group to prepare for the commemoration of the tenth anniversary of the Durban Declaration and Programme of Action;

5. *Decides* to dedicate part of the programme of work under item 9 at its seventeenth session to a discussion on, inter alia, best practices in the fight against racism, racial discrimination, xenophobia and related intolerance in the context of the tenth anniversary of the Durban Declaration and Programme of Action during the high-level segment of the General Assembly;

6. *Requests* the Secretary-General to make available to the Council, at its fifteenth session, his report submitted to the General Assembly pursuant to Assembly resolution 64/169 containing proposals for a programme of work of activities for people of African descent;

7. *Calls on* the Office of the United Nations High Commissioner for Human Rights to provide the necessary resources and support to allow the Working Group of Experts on People of African Descent to discharge its mandate fully;

8. *Invites* interested stakeholders, including non-governmental organizations, to participate fully in the commemoration of the tenth anniversary of the Durban Declaration and Programme of Action;

9. *Decides* to remain seized of this important issue.

36th meeting
18 June 2010

[Adopted without a vote.]

B. Decisions

14/101. Outcome of the universal periodic review: Qatar

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Qatar on 8 February 2010 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Qatar which is constituted of the report of the Working Group on Qatar (A/HRC/14/2), together with the views of Qatar concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/14/37, chapter VI and A/HRC/14/2/Add.1).

20th meeting
9 June 2010

[Adopted without a vote.]

14/102. Outcome of the universal periodic review: Nicaragua

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Nicaragua on 8 February 2010 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Nicaragua which is constituted of the report of the Working Group on Nicaragua (A/HRC/14/3), together with the views of Nicaragua concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/14/37, chapter VI).

20th meeting
9 June 2010

[Adopted without a vote.]

14/103. Outcome of the universal periodic review: Italy

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Italy on 9 February 2010 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Italy which is constituted of the report of the Working Group on Italy (A/HRC/14/4), together with the views of Italy concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/14/37, chapter VI and A/HRC/14/4/Add.1).

20th meeting
9 June 2010

[Adopted without a vote.]

14/104. Outcome of the universal periodic review: Kazakhstan

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008;

Having conducted the review of Kazakhstan on 12 February 2010 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Kazakhstan which is constituted of the report of the Working Group on Kazakhstan (A/HRC/14/10), together with the views of Kazakhstan concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/14/37, chapter V and A/HRC/14/10/Add.1).

22nd meeting
9 June 2010

[Adopted without a vote.]

14/105. Outcome of the universal periodic review: Slovenia

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Slovenia on 16 February 2010 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Slovenia which is constituted of the report of the Working Group on Slovenia (A/HRC/14/15), together with the views of Slovenia concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/14/37, chapter VI and A/HRC/14/15/Add.1).

22nd meeting
9 June 2010

[Adopted without a vote.]

14/106. Outcome of the universal periodic review: Plurinational State of Bolivia

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of the Plurinational State of Bolivia on 10 February 2010 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on the Plurinational State of Bolivia which is constituted of the report of the Working Group on the Plurinational State of Bolivia (A/HRC/14/7), together with the views of the Plurinational State of Bolivia concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/14/37, chapter VI and A/HRC/14/7/Add.1).

22nd meeting
9 June 2010

[Adopted without a vote.]

14/107. Outcome of the universal periodic review: Fiji

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Fiji on 11 February 2010 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Fiji which is constituted of the report of the Working Group on Fiji (A/HRC/14/8), together with the views of Fiji concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/14/37, chapter VI and A/HRC/14/8/Add.1).

23rd meeting
10 June 2010

[Adopted without a vote.]

14/108. Outcome of the universal periodic review: San Marino

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of San Marino on 11 February 2010 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on San Marino which is constituted of the report of the Working Group on San Marino (A/HRC/14/9), together with the views of San Marino concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/14/37, chapter VI and A/HRC/14/9/Add.1).

23rd meeting
10 June 2010

[Adopted without a vote.]

14/109. Outcome of the universal periodic review: El Salvador

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of El Salvador on 9 February 2010 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on El Salvador which is constituted of the report of the Working Group on El Salvador (A/HRC/14/5), together with the views of El Salvador concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/14/37, chapter VI and A/HRC/14/5/Add.1).

23rd meeting
10 June 2010

[Adopted without a vote.]

14/110. Outcome of the universal periodic review· Angola

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Angola on 12 February 2010 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Angola which is constituted of the report of the Working Group on Angola (A/HRC/14/11), together with the views of Angola concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/14/37, chapter VI).

24th meeting
10 June 2010

[Adopted without a vote.]

14/111. Outcome of the universal periodic review: Islamic Republic of Iran

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of the Islamic Republic of Iran on 15 February 2010 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on the Islamic Republic of Iran which is constituted of the report of the Working Group on the Islamic Republic of Iran (A/HRC/14/12), together with the views of the Islamic Republic of Iran concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/14/37, chapter VI, A/HRC/12/Add.1 and A/HRC/12/Add.1/Corr.1).

24th meeting
10 June 2010

[Adopted without a vote.]

14/112. Outcome of the universal periodic review: Madagascar

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of the Madagascar on 15 February 2010 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Madagascar which is constituted of the report of the Working Group on Madagascar (A/HRC/14/13), together with the views of Madagascar concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/14/37, chapter VI and A/HRC/14/13/Add.1).

24th meeting
10 June 2010

[Adopted without a vote.]

14/113. Outcome of the universal periodic review: Iraq

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Iraq on 16 February 2010 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Iraq which is constituted of the report of the Working Group on Iraq (A/HRC/14/14), together with the views of Iraq concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/14/37, chapter VI and A/HRC/14/14/Add.1).

25th meeting
11 June 2010

[Adopted without a vote.]

14/114. Outcome of the universal periodic review: Gambia

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Gambia on 10 February 2010 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Gambia which is constituted of the report of the Working Group on Gambia (A/HRC/14/6), together with the views of Gambia concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/14/37, chapter VI).

25th meeting
11 June 2010

[Adopted without a vote.]

14/115. Outcome of the universal periodic review: Egypt

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Egypt on 17 February 2010 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Egypt which is constituted of the report of the Working Group on Egypt (A/HRC/14/17), together with the views of Egypt concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/14/37, chapter VI and A/HRC/14/17/Add.1).

25th meeting
11 June 2010

[Adopted without a vote.]

14/116. Outcome of the universal periodic review: Bosnia and Herzegovina

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Bosnia and Herzegovina on 17 February 2010 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Bosnia and Herzegovina which is constituted of the report of the Working Group on Bosnia and Herzegovina (A/HRC/14/16), together with the views of Bosnia and Herzegovina concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/14/37, chapter VI and A/HRC/14/16/Add.1).

26th meeting
11 June 2010

[Adopted without a vote.]

14/117. The independent expert on the situation of human rights in the Sudan

At its 24th meeting, on 10 June 2010, the Human Rights Council decided to adopt the following text:

"*The Human Rights Council*,

Taking note of the fact that the independent expert on the situation of human rights in the Sudan was unable, for medical reasons, to present his report (A/HRC/14/41) to the Council at its fourteenth session, as originally scheduled,

1. *Decides*, given the exceptional nature of the circumstances and without setting a precedent, to proceed with a technical extension of the mandate of the independent expert on the situation of human rights in the Sudan until the end of the fifteenth session of the Council to allow an interactive dialogue to be held with him. This is without prejudice to the relevant provisions of Council resolution 5/1 of

18 June 2007;

2. It is understood that the independent expert will continue his work until the end of the fifteenth session and will be in a position to complement his report thereupon, if he so decides, at that session. It is also understood that the issue of the extension of the mandate will be discussed at that session."

24th meeting

10 June 2010

[Adopted without a vote.]

14/118. Missing persons

At its 34th meeting, on 17 June 2010, the Human Rights Council decided to adopt the following text:

"*The Human Rights Council*,

Recalling its resolution 7/28 of 28 March 2008 and all previous resolutions on missing persons adopted by the General Assembly and the Commission on Human Rights,

Recalling also its decision 12/117 of 1 October 2009, in which the Council requested the Advisory Committee to submit the study on best practices in the matter of missing persons to the Council at its fourteenth session,

1. *Takes note* of the progress report on best practices in the matter of missing persons submitted by the Advisory Committee (A/HRC/14/42);

2. *Requests* the Advisory Committee to finalize the study on best practices and to submit it to the Council at its sixteenth session."

34th meeting
17 June 2010

[Adopted without a vote.]

14/119. Assistance to Somalia in the field of human rights

At its 36th meeting, on 18 June 2010, the Human Rights Council decided to adopt the following text:

"*The Human Rights Council*,

Recalling its resolution 12/26 of 2 October 2009 entitled "Assistance to Somalia in the field of human rights",

Welcoming the recent appointment by the Secretary-General of his Special Representative for Somalia,

1. *Recalls* that the interactive dialogue with the independent expert on the situation of human rights in Somalia is scheduled to be held at its fifteenth session;

2. *Decides* to hold, at its fifteenth session, a stand-alone interactive dialogue with the participation of the United Nations High Commissioner for Human Rights, the independent expert on the situation of human rights in Somalia and the Special Representative of the Secretary-General for Somalia on the status of technical cooperation, capacity-building programmes inside the country and effective measures to improve the human rights situation in Somalia and to enhance the effectiveness of United Nations support in the promotion and protection of human rights;

3. *Also decides* to invite high-level officials of the Transitional Federal Government and a high-level representative of the African Union to take part in the interactive dialogue;

4. *Requests* the Office of the High Commissioner to provide the assistance necessary for the holding of the interactive dialogue;

5. *Encourages* the independent expert and the Special Representative of the Secretary-General to engage in sustained interaction in the pursuit of their respective mandates, given the interrelationship between promotion and protection of the enhancement of human rights in Somalia, the timely provision of much needed humanitarian assistance, development and the support necessary to achieve sustainable security with a view to obtaining lasting political stabilization throughout the country."

36th meeting
18 June 2010

[Adopted without a vote.]

IV. Thirteenth special session

S-13/1. Support of the Human Rights Council for the recovery process in Haiti after the earthquake of 12 January 2010: a human rights approach

The Human Rights Council,

Expressing its sincere condolences and deepest sympathy and solidarity for all victims and their families, including all United Nations personnel, as well as for the Government and the people of Haiti, affected by the devastating earthquake of 12 January 2010,

Reaffirming its previous outcomes on the situation of human rights in Haiti, in particular the President's statements, PRST/6/1 of 28 September 2007 and PRST/9/1 of 24 September 2008,

Concerned by the dire human and material losses and suffering sustained as a result of the earthquake, and by its impact on the full enjoyment of all human rights in the affected country,

Concerned also that the effects of the earthquake have further exacerbated existing challenges to the full enjoyment of all human rights in Haiti, and expressing concern at the medium- and long-term consequences of the disaster, including its social, economic and development aspects,

Reiterating that the promotion and protection of all human rights — economic, civil, social, political and cultural rights, including the right to development — are indispensable elements for peace, stability and development,

Acknowledging the extraordinary situation in Haiti, particularly in Port au Prince, Léogane and Jacmel, which requires an equally extraordinary response led by the Government of Haiti, in collaboration with the international community,

Expressing its appreciation for the prompt response, solidarity and assistance provided by the United Nations system, through United Nations agencies, programmes and funds, and the United Nations Stabilization Mission in Haiti, as well as by States Members of the United Nations, the international community, civil society, the private sector and individuals,

Reiterating the need for the United Nations system to respond swiftly to the requests for assistance from the affected country and to ensure that the assistance provided is timely, adequate, effective and coherent and coordinated among all development actors, in particular the Government of Haiti,

Underscoring the need for the long-term and sustainable support of the international community for the Government of Haiti to promote respect for human rights, the rule of law and good governance,

Recalling the primary responsibility and competence of the Government of Haiti with regard to the promotion and protection of all human rights in the country, *Bearing in mind* that the tragedy has obliterated the ongoing efforts of the Government of Haiti to prepare the national report to be presented to the Council at the eighth session of the Working Group on the Universal Periodic Review,

Mindful of General Assembly resolution 64/250 of 22 January 2010,

1. *Calls upon* the international community to continue to ensure adequate and coordinated support for the Government and the people of Haiti in their efforts to overcome the challenges arising from the earthquake, keeping in mind the importance of integrating a human rights approach;

2. *Reaffirms* the sovereignty of Haiti and its territorial integrity, and stresses the central role of the Government of Haiti in establishing national priorities for the recovery process;

3. *Underscores* the importance of a renewed and sustainable commitment to address the existing and additional challenges to promote and protect all human rights in Haiti, and encourages the Government of Haiti to continue its efforts to promote and protect all human rights in the country;

4. *Expresses* its concern about the present human rights situation in Haiti, in particular the vulnerable situation of children, women, internally displaced persons, the elderly, persons with disabilities and the wounded;

5. *Underlines* the need to address the additional obstacles arising from the devastation in such areas as access to food, adequate housing, health care, water and sanitation, education, work and the civil registry;

6. *Emphasizes*, in this context, the importance of reconstructing national institutions and of providing cooperation, capacity-building and technical assistance to the Government and the people of Haiti, in accordance with the needs and requests made by the concerned country;

7. *Welcomes and further encourages* the responses provided by the United Nations system and the international community at large to assist the Government of Haiti to promote and protect all human rights in Haiti in the aftermath of the earthquake, such as, inter alia, those resources aimed at providing cash and food for work, as well as those aimed at securing the full protection of the rights of all persons in vulnerable situations, especially women and children;

8. *Underlines* the importance of protecting children from any violence, injury or abuse, maltreatment or exploitation, and of ensuring that separated or unaccompanied children reunite with their families and that those left orphaned receive immediate attention and necessary protection and, in this context, underscores the need for cooperation and assistance to the Government of Haiti from all States Members of the United Nations and relevant organs and bodies of the United Nations system, in particular, the United Nations Children's Fund;

9. *Emphasizes* the need to apply a gender-based approach to the recovery process;

10. *Decides* to act favourably, in view of the exceptional circumstances that confront it, upon the request of Haiti to postpone relevant deadlines related to its universal periodic review before the Council to a date no later than December 2011;

11. *Welcomes* the initiative to establish a joint protection team with the participation of the United Nations High Commissioner for Human Rights;

12. *Invites* the High Commissioner to identify, in collaboration with the Government of Haiti, areas for cooperation and technical assistance with Haiti on the basis of the expertise and the presence of the United Nations system on the ground, in particular the Office of the High Commissioner, in collaboration with special procedures, with a view to present suggestions in this regard to the Council at its fourteenth session.

3rd meeting
28 January 2010

[Adopted without a vote.]

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